# MISSISSIPPI LAW JOURNAL

## PROCEEDINGS

## MISSISSIPPI STATE BAR

**Forty-Eighth Annual Meeting**

*October, 1953*

VOLUME XXIV NUMBER 4

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The present volume of the *Mississippi Law Journal* will close with a special issue to be released in November. This special issue will contain the Proceedings of the Estate Planning Conference held recently at the University. It will also contain the Index to Volume XXIV, ordinarily found in the October issue. Please wait until you have received this special issue before having your volume bound.

THANK YOU

# Mississippi Law Journal

JOURNAL OF THE MISSISSIPPI STATE BAR

*Member, National Conference of Law Reviews*
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VOLUME XXIV OCTOBER, 1953 NUMBER 4

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VOLUME XXIV OCTOBER, 1953 NUMBER 4

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## MISSISSIPPI STATE BAR

### 1953-1954

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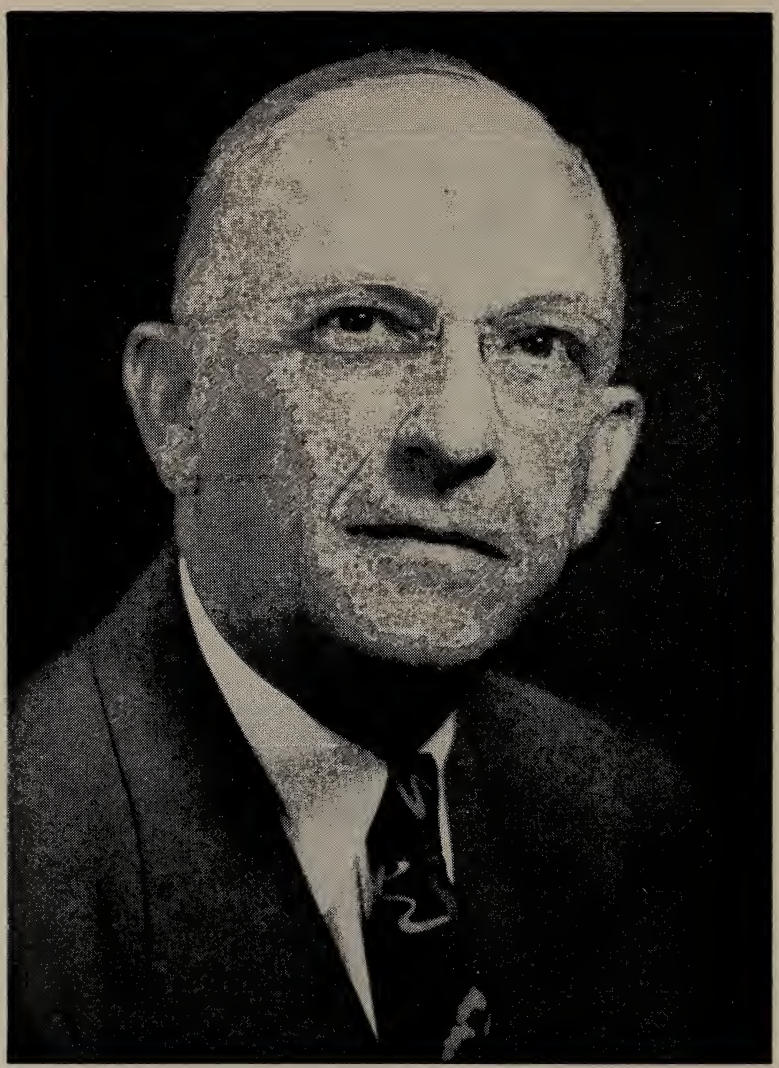

CHARLES B. SNOW

*Retiring President of Mississippi State Bar*

**PROCEEDINGS OF THE FORTY-EIGHTH ANNUAL MEETING OF THE**

# Mississippi State Bar

**Held at Biloxi, Mississippi, on the 19th and 20th of June, 1953**

The convention was called to order in the Buena Vista Hotel in Biloxi, Mississippi, at 9:30 A.M., June 19, 1953, by Charles B. Snow, President of the Mississippi State Bar.

The invocation was delivered by Mr. Phil Stone of Oxford.

An address of welcome was delivered by Mr. Owen T. Palmer of Gulfport, and was responded to by Mr. Ross R. Barnett of Jackson.

President Snow then delivered the following address:

## PRESIDENT'S ANNUAL ADDRESS

*Charles B. Snow*

The time has now arrived when, due to custom and the by-laws of the Mississippi State Bar, the President of your Association will deliver what is designated as the "President's Annual Address". As I recall, the by-laws of the old Association contained a provision that the annual address of the president of the Bar Association should consist of a discussion of laws which had been enacted during the preceding year and outstanding decisions of the Supreme Court of Mississippi rendered during the preceding year. So far as I know, there is nothing in the present by-laws of the Association which makes any requirement as to what the president's annual address shall be about. He is just required to make an annual address and that is all.

This being the situation and being bound neither by custom nor by-laws, I have concluded that since there is no one here but us and since undoubtedly you must be interested in the affairs of the State Bar Association or you would not be here this morning, I shall spend the time allotted to me in making a brief report of the activities of the Bar Association during the preceding year and some observations of my own.

At the outset, I wish to take this occasion to express to you, the members of the Mississippi State Bar, my profound appreciation for the honor bestowed upon me by you when you selected me to serve as President of the State Bar last June. I consider it a very great honor to have been selected to this position by the lawyers of the State of Mississippi with whom I have lived and labored for the past thirty-seven years. I do not believe that any greater honor can come to any lawyer than to be selected by the members of his profession to serve as president of his State

Bar Association. I consider the office an office of honor and I consider my election to this position as the bestowal of high honor upon me. I believe that every lawyer should so conduct himself in the practice of his profession, and with the ambition, that he will be selected by his brothers in the profession to serve as the president of the State Bar Association as the crowning achievement of his professional career. The members of the Bar Association should recognize that in elevating one of its members to this office, they are bestowing upon him the highest honor within their power. It should not be bestowed lightly. No man should be elected president of the State Bar Association until he has practiced the profession a sufficient length of time, and until and unless he has in fact reached such a recognized position in the profession that his selection as president of the State Bar will bring credit and honor to the lawyers of the state. The honor of being president of the Mississippi State Bar should come to a lawyer as a reward for a job well done; for service to his profession, and for no other reason. Certainly the job should not be sought after, except as every lawyer should so conduct himself in his practice from day to day, from month to month and from year to year, as to merit his selection to this high office of honor. Any man who seeks this office of honor on any other basis is not worthy of consideration at your hands. It is indeed an office of honor which should seek the man rather than being sought. To see the office of president of the State Bar sought after for selfish motives or traded around from one group to another, is indeed, or should be, repulsive to all that is good in every decent lawyer.

While on the subject of the selection of the president of the Mississippi State Bar, I wish to make this observation in the nature of a recommendation to you for your consideration. There are many improvements which are necessary in the functioning of the State Bar Association. These necessary improvements are not due to the fault of any individual connected with the Association, but due almost entirely to the system. Your president is elected for one year. It is provided that he shall not succeed himself. This is right and proper, as the presidency of the Association is an honor which should be passed around and bestowed from year to year upon a worthy and outstanding member of the Association. And equally as important, if properly fulfilled, it is a task and a burden which should not be placed upon any member of the Association for a longer period than one year. However, the situation is this: When you elect a man president of the Association and he realizes the situation with which he is confronted, he recognizes that there are many things which should be done, but he also realizes that he is going to hold the office for only one year, and that most likely before he can formulate any plans and put the same into operation, his term of office will have expired. He feels that to endeavor to formulate any plans which cannot be put into effect and into operation during his one year term of office is wasted effort on his part and may be construed as an endeavor on his part to inject his ideas over into the administration of the succeeding president. As stated, I definitely am of the opinion that the president of this Association should not succeed himself. I believe though that at each meeting of the Association we should elect a man who will be elevated to the office of president of the Association at the next annual convention, that is, a president-elect.

The same qualifications and the same care and attention should be given to the selection of this man as should be given to the selection of your president. The fact is that in selecting him, you will actually be selecting the president of your Association, to be elevated to the office of President at the next annual convention. You will be selecting your next president, but not to take office until the following year. Duties should be placed upon the president-elect to act as assistant to the president. He should attend all meetings of the Board of Commissioners. A close cooperation and working arrangement should be required and had at all times between the acting president and the president-elect to the end that there shall be a continuity in ideas and plans and performance and not a complete change and upheaval at the end of each year. I suggest that you give this some thought.

The management of your State Bar Association is, of course, vested in the Board of State Bar Commissioners. This board consists of seventeen members of the State Bar, one from each Circuit Court District. I wish to express to you my appreciation for the sixteen men and the one woman whom you selected to compose this Board of Commissioners during the past year. They are very fine gentlemen and a very fine lady. We have held four meetings of the Board of Commissioners, spaced as nearly as possible at intervals of three months. Three of these meetings were held in Jackson and the fourth on yesterday, here at this hotel in Biloxi immediately preceding the convention. I am proud of the fact that we have never had to adjourn a meeting of the Board of Commissioners on account of lack of a quorum. I was quite encouraged at the first meeting of the Board of Commissioners. There was an unavoidable delay in getting out the notice of this meeting to the commissioners. Due to this fact, this meeting of the Board of Commissioners was not as well attended as were subsequent meetings. We did have a quorum, however. What impressed me was the fact that every member of the Board of Commissioners who was unable to attend the meeting by reason of prior engagements either called me over the telephone, sent me a telegram or wrote me a letter explaining his absence and expressing his regret at his inability to attend. The members of the Board who have served with me have cooperated fully in every duty placed upon them. The tasks which have been assigned to some members of the Board of Commissioners have in some instances not been pleasant. There has not been in a single instance a shirking of duty or a failure on the part of the members of the Board of Commissioners to perform the task assigned to them to the very best of their ability. Let me urge upon you that you continue to select men and women of this same type to serve as members of the Board of Commissioners of the Bar Association. Do not follow the course of least resistance in selecting members to serve on the Board of Commissioners. Be sure he has the time and the energy and the willingness and the desire to serve on the Board of Commissioners and to lend his efforts to the betterment of the State Bar Association.

It has been said that there is no one who is indispensable. Ordinarily I subscribe to this doctrine, but when I think of Mrs. Alice Nevels as the Secretary of the Mississippi State Bar, I am constrained to the belief

that under the present setup she is in fact the indispensable one. She and her able assistant, Mrs. Lillian Sadler, have labored long and hard, effectively and efficiently, throughout the year to promote the best interests of the State Bar. The State Bar is indebted to them, you are indebted to them and certainly I, as the President of the State Bar, am indebted to them for their assistance to me throughout the year.

The quarters allocated to the State Bar in the New Capitol building in Jackson are wholly inadequate. We are stuck away in a little, one-room cubby hole, at the south entrance on the second floor. We have begged and pleaded for more adequate quarters and have received plenty of promises. The office is inadequately equipped, using mostly borrowed and obsolete equipment. We have acquired some equipment during this year, but more is needed. I hope the new administration will continue, and with better results, the effort to obtain more adequate quarters and will continue to add to the equipment.

I wish to take occasion to pay tribute to the Honorable Robert G. Nichols, the efficient and capable President of the Junior Bar Section. Mr. Nichols has been active and energetic throughout the year, has kept the Junior Bar Section moving and has cooperated with your President and with the State Bar in every way possible. I predict for this young man an outstanding career in the practice of the law.

While I am engaged in giving credit to whom credit is due, it gives me very great pleasure to place a laurel wreath upon the shoulders of the Honorable Shelby Rogers of Jackson, who has so efficiently served as Complaint Commissioner throughout the year; and also the Honorable Francis Bowling of Jackson, who has served as Chairman of the Memorial Committee of the State Bar. The duties of the Complaint Commissioner are arduous, unpleasant and thankless. While there have been no serious complaints against any member of the Bar during the past year, there have been innumerable complaints of minor nature. Mr. Rogers has functioned tirelessly and well. The State Bar under the leadership of Mr. Bowling as Chairman of the Memorial Committee participated in two memorial services of the Supreme Court of Mississippi. We participated in the regular Annual Memorial Service held at the opening of the fall term of Court last September for all of the lawyers who had passed into the great beyond during the preceding year. The Chief Justice told me after the service was over that it was the best attended, the best planned and most appropriate memorial service which had been held in the Court since he had been on the bench. The State Bar also participated in the Memorial Service held in memory of Associate Justice Julian P. Alexander, who died at the Sugar Bowl game in New Orleans on the first day of this year. The participation of the State Bar in this service was likewise arranged by Mr. Bowling as Chairman of the Memorial Committee, and he again did an excellent job of which I, as President of the State Bar, was justly proud.

Each and every chairman of the committees appointed has functioned well and they, with the members of the respective committees, have done good jobs. I am sure that this will be disclosed by the reports which these committees will make to you as the program progresses.

As President of the State Bar, I was invited to appear on the program and speak at the banquet of the Institute held in Hattiesburg, during September of last year under the auspices of Mississippi Southern College, the State Accountants' Association, the Junior Bar Association and the Hattiesburg Bar. As President of the State Bar, I also was invited to attend and address the annual meeting of the Tri-County Bar Association held at Brookhaven during the Christmas holidays. Also, following tradition, as President of the State Bar, I was invited to address the Law School and the law students at the University on Law Day this spring. I attended each of these occasions and my feeble efforts were rewarded by a very charitable and appreciative audience in each instance and a very enjoyable time.

Something in this connection has impressed itself upon me. It has impressed upon me what I believe is a lack of interest in the State Bar Association. I trust that what I am about to say will not be misconstrued. I am talking now not as Charlie Snow, lawyer, but as Charlie Snow, President of the Mississippi State Bar. When I was first approached by a group of my friends last year and asked if I would like to be president of the Mississippi State Bar, one of the things which caused me to hesitate before answering "yes" was that I had the fear that the president of the State Bar would be invited from time to time throughout the year to attend meetings of the local bar associations. I felt that it was the duty of the president of the State Bar to accept these invitations when possible and to attend and assist as best he could these local bar associations. I feared that this would consume more of my time than I would be able to give from my practice. Now that my year is up I realize to my surprise that this fear was groundless. As President of the State Bar Association, I received only one invitation throughout the year to attend a meeting of a local bar association away from Jackson. This was the very enjoyable occasion which I mentioned, the meeting of the Tri-County Bar Association at Brookhaven. It may be that I am wrong, but I do not consider this a reflection upon me. You know the good Lord is good to us; he so often conceals from us our own shortcomings. Regardless of who happens to be president of the Mississippi State Bar, there is something wrong when he receives only one invitation from a local bar association in the state throughout the year to attend the meeting of a local bar assocaition. Of course, personally I am delighted that I did not receive more of these invitations. Had I received them, I would have felt it my duty as President of the Bar Association to attend. I am one of those chaps who have sense enough to realize that I cannot make an acceptable address without preparation. To have attended many of these meetings would have taken up much more time than I could have afforded to give. I personally am fortunate that I was not called upon to do so. I do have a regret, however, that this condition exists. If the Mississippi State Bar occupied the position with the lawyers of the State of Mississippi which it should occupy, there would hardly be a week and certainly not a month during the year in which the president of the State Bar Association was not invited to attend and address a meeting of a local bar association in this state, and that without regard to who occupies the office of president of the Association. The Mississippi State Bar should occupy the relationship

with the lawyers of this state which the American Bar Association occupies with the lawyers throughout the country. If it does not do it, then the State Bar is a failure. The president of the Mississippi State Bar, regardless of who he happens to be, should occupy the same position in the affection of the lawyers of the State of Mississippi which the president of the American Bar Association occupies with the lawyers throughout the United States. Of course, the field is larger but I venture the assertion that the president of the American Bar cannot fill the invitations which he receives to attend and address conventions of the state bar associations throughout the country.

I, as President of the State Bar, with a representative number of the delegates from this state attended the Judicial Conference for the Fifth Circuit Court of Appeals held in New Orleans last month. I commend this conference to your interest.

During the year your Board of Commissioners had up for consideration and discussion a question which we deemed of considerable importance to the Bar of this State. You will recall that at the 1950 Session the Legislature passed an Act providing for three Supreme Court commissioners to assist the Supreme Court as the court might direct. At the same time a resolution was adopted submitting an amendment to the constitution increasing the number of judges to nine. The constitutional amendment carried, and the same was embodied into the constitution at the 1952 Session, and thereupon the three commissioners were appointed as judges; thus giving us nine judges on the Supreme Court. You will further recall that when we had only six members of the court, the constitution provided that the court might sit in two divisions, three judges each, under such regulations as the court might adopt. The court sat this way, that is, in two divisions of three judges each, for a number of years, but some several years ago the court discontinued this practice and up until the court became a nine member court sat en banc and all six of the judges constituting the entire court considered and passed on all cases submitted.

The recent constitutional amendment provides that five of the judges shall constitute a quorum. Since the court has consisted of nine judges, it has been sitting with five members as a division. If the five members sitting agree, the remaining four members of the Court do not participate in the court's decision, but the five sitting on the case render the decision of the court. As I understand the practice and the method pursued by the court, if the case is determined to be a case involving the public interest, or if there is disagreement by one or more of the five judges who happen to have the case, then the case is considered by all the nine judges, or the full court. The full court, of course, passes on all capital cases. Recently, the court has adopted a set of revised rules. By sub-division 2 of Rule 35 of said Revised Rules it is provided that the court will ordinarily sit in groups of five judges.

A few months ago and before these Revised Rules of the Supreme Court were published, your president, at the suggestion of certain members of the Bar, polled the Board of Commissioners by letter and sub-

mitted to them the proposition of whether or not the Board of Commissioners should take any action and called upon the members of the Board of Commissioners for an expression as to how they felt with regard to the method being pursued by the court. The President's letter to the members of the Board of Commissioners brought forth various views and much discussion with the result that no definite conclusion was reached.

At a meeting of the Board of Commissioners held in March of this year, a resolution was offered and adopted by a majority vote of the commissioners present at the meeting suggesting that the court give consideration to discontinuing the practice of five members of the court passing on the cases submitted and to following the practice of having all cases decided by all nine members of the court. At this meeting the attention of the commissioners was not directed to the fact that the court had recently had the matter up for consideration and had adopted the rule as above set forth. After the meeting had adjourned, your President's attention was called to this rule and he immediately wrote a letter to the members of the Board of Commissioners who were present at the meeting and called their attention to the fact that the Court had recently considered the matter and had adopted the rule in question and asked them if in view of this fact and the recent adoption of the rule, they still wished to adopt the resolution aforesaid. A majority of the members of the Board of Commissioners who were present at the meeting wrote and advised that in view of the recent consideration given to the matter by the court, they felt that the resolution should not be adopted at that time by the Board of Commissioners. This question is called to your attention for whatever action, if any, you may deem proper.

As I look over the people here today, most of whom I know personally, I believe we can safely say that we Mississippi lawyers have attained at least average success in our chosen profession. Unfortunately, many of us are inclined to take this success for granted as the just reward for ability and hard work. Certainly, I would concede that ability and hard work merit success; however, it takes more than ability and hard work to make success possible. Opportunity is essential. This opportunity has been afforded to us at the result of the price paid by preceding generations in making this a land of opportunity, where, with ability and hard work, success is possible. I believe that you will agree with me that since we have been the beneficiaries of the opportunities which this country affords, there is placed upon us the obligation to make an additional payment for our success by passing on to future generations the opportunities which we have enjoyed.

There are problems facing our country today which concern the American ideals of government and the basic principles of the American institutions established under the Constitution. These problems must have the correct solution if our form of government, with its opportunities, is to continue for the benefit of future generations.

Our founding fathers believed that the national government should be the servant and not the master of the citizens. They believed that every citizen should have the right to work out his own destiny under the principals of free enterprise and individual responsibility.

When our government was founded, the leading statesmen of the world were extremely pessimistic and predicted that the new and different government of the United States could not succeed. Its early demise was freely predicted. But it has lived. Up to the present it has proved a glorious success.

A republican form of government such as ours is not the most efficient government and it has many weaknesses. Its success or failure depends on the interest of the majority of its citizens. Our form of government faces its severest test today after it has achieved its greatest success. The citizens too often presume that because they are enjoying prosperity and happiness, these blessings will continue indefinitely without the individual citizen being required to expend thought or effort. Many of our people have lost interest in working out their individual problems in the American way. They want to turn to the government to solve their problems, forgetting that under our system the citizens are the government and if money is obtained from the government, it is in reality being obtained from the citizens. Many of our people proclaim the philosophy, "Get what you can from the government. Let the government tax those who earn and produce to pay the bills." This philosophy is not in keeping with the thinking of our founding fathers who established a government with its emphasis on individual initiative and responsibility.

There has been too much governmental interference with free enterprise as we have always understood it. We find the government assuming functions which have always been considered the responsibility of the individual. We find too much government in business. We find the government taking from some of the citizens for the benefit of minority groups. We find the government spending unbelievable billions.

I thank God that there has at least been a temporary interruption in the trend which in my humble judgment was rapidly carrying us to destruction. I believe that our leaders who are now heading our government are making a determined and honest effort to about face and to stop the dangerous trend. They are striving under tremendous difficulties. Let us pray the situation has not gone beyond redemption. Cheap petty politics still must be played in some quarters. There are all too many who think more of the next election than of the next generation. I am proud that the representatives in the Congress from our State, and generally from the southern states, are found on the side of that which is best for the future welfare of our country regardless of party or party politics.

Let me deliver to you an admonition. Remember your country and mine is economically sick. It is bad sick. We are crying for a cure. It takes medicine to cure. Medicine which cures is often bad to take. Remember, please, that you cannot have your cake and eat it too. One thing in particular—inflation has to be stopped. Inflation is brought about by cheap money. Above all things, do not cry because the efforts which are being successfully made to halt inflation are of necessity causing the value of money to increase—are causing the cost of the use of money, interest rates, to increase. Inflation will destroy us. If we have cheap money, we are bound to have inflation. If we stop inflation, the cost of money, interest

rates, is bound to go up. This follows as the night follows the day. If this means that you have to pay higher interest rates and your town, your county, or your state cannot sell bonds at as low interest rates as they have been able to sell them, do not complain. Remember this is part of the necessary medicine we have to take to stop inflation, and inflation is a cancer which if not stopped will destroy us. Please do not gripe if your favorite "gimme" appropriation happens to be cut. They all have to be cut or we will continue to go broke. My favorite state senator always said he voted for all appropriations and against all taxes. That is fine for the politician, but bad for the budget. I belong to a school that believes that when we are required to spend great sums for national defense, we should economize in other fields. Remember you cannot hope to lower taxes and continue to spend and give away indiscriminately.

This brings to mind something which in my mind should be stopped. It is completely destroying local self-government from the state level down, and is concentrating all the power of government in the central government in Washington, contrary to all the intentions and purposes of the founding fathers. I refer to this system of grant-in-aid to the states and the subdivisions thereof by the Federal Government, which has grown to an intolerable situation. The states and the subdivisions thereof are as much to blame for this situation as is the Federal Government. The states run to the Federal Government for grants-in-aid and the various subdivisions run to the state and to the Federal Government. The result has been that the Federal Government is taking such a large cut from the tax dollar that there is not enough left for the states and the subdivisions thereof to support themselves. According to a recent article, twenty years ago the Federal Government took 25c out of every dollar paid in taxes in the United States, leaving 75c to the states and local governments. Presently the Federal Government takes 75c out of every tax dollar and leaves only 25c to the states and local governments. The states, thus gradually deprived of their sources of revenue, have come to lean more and more heavily on the gigantic system of federal tax collections and doles back to the states. Some might be selfish enough to say that a poor state like Mississippi gets more back from the Federal Government than it pays in. Nothing is further from the truth. According to figures available, in 1951 the Mississippi people paid into the federal treasury one hundred and thirteen million dollars. Mississippi got back in grants-in-aid around thirty-five million dollars.

Anyone can see what this is doing to the states and the local governments. It lays the door wide open for the central government in Washington through its various bureaus to encroach on the rights, customs and individualities of the states. Most of the grant-in-aid funds require the matching of funds with state funds or local funds. So, as a matter of fact, the bureaus in Washington have authority over the expenditure of a much larger amount of money than that represented in the grants themselves. The truth is that the lure of what the states and the local governments think is easy money has induced the states virtually to abandon administrative policy and control to the federal agencies. Do not cry

states' rights out of one side of your mouth and ask for federal grants with inevitable federal control from the other side.

Some people seem to think that the huge sums taken in taxation by the Federal Government come from the rich, while the benefits come back to the poor. This is not at all true. The great bulk of the taxes taken from the people of Mississippi comes from farmers, employed workers and small business men.

It never was the intention of the Constitution when it was written that the Federal Government would have authority to levy taxes to raise money for the things for which it is presently expending it. By the provisions of the Constitution Congress was authorized to collect taxes only for the purpose of paying the debts of the country, to provide for the common defense, and for the general welfare of the United States. I believe that if the Federal Government has money left to give back to the states and the subdivisions thereof, then this is proof conclusive it is taking too much money from the people of the states. Leave the states and the subdivisions something to tax and they can and should take care of themselves.

One criticism that may be properly leveled at lawyers is that we have been overly rugged individualists, accustomed to depend upon ourselves to meet the problems which we encounter in every day practice. This is the day of organization. The individual lawyer cannot, acting alone, influence our people to realize and appreciate the value of the American way of life and the dangers of losing individual liberties by governmental interference. This can only be done by action of the lawyers as a group through their associations. The expressions of opinion or the recommendations of the individual lawyer are oftentimes discounted, because the public may feel that he is inspired by the interest of a client. The united voice of the lawyers, however, expressed through their associations is in a great majority of cases well received by the public, and the recommendations of the organizations of lawyers are of great force. Too many successful lawyers seem satisfied with the status quo, and have refused or rather neglected to give any more than moral support to the bar organizations that speak for the lawyers, and incidentally for the unorganized American citizens.

The people of this country who believe that government as provided by the Constitution is the best government and who believe that the way of life that has made America great is the best way of life appreciate the fact that the blessings which this country has offered to us should not be taken for granted.

Lawyers occupy a position of influence in their respective communities. It behooves lawyers as leaders of thought to be alert and aggressive to protect and preserve the American way of life and to guarantee that the blessings and opportunities of which we have had the advantage shall be maintained and passed on for the benefit of those who shall come after us.

We should not permit our resistance to any encroachment upon the rights of the states and the rights of the individual to be limited to grum-

bling and weak private protestations. If the lawyers of this country will recognize the true situation and become the aggressive fighting force of which they are capable, there will be no fear for our Government or our way of life and we, the lawyers, will have justified our existence.

I thank you.

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The next order of business announced by President Snow was the reports of the various committees of the Association.[1] The Report of the Memorial Committee was presented by its Chairman, Mr. Francis S. Bowling of Jackson.

The Report of the American Citizenship Committee was then given by its Chairman, Chief Justice Harvey McGehee of Jackson.

As Chairman, Mr. Phil Stone of Oxford presented the Report of the Procedural Reform Committee.

Upon motion and second the reports of the Memorial Committee, the American Citizenship Committee, and the Procedural Reform Committee were unanimously adopted by the convention.

The Report of the Study Committee was presented by its Chairman, Associate Justice W. N. Ethridge, Jr. Prior to the completion of this report the meeting was recessed for the morning.

## FRIDAY, JUNE 19, 2:00 P.M.

The meeting was called to order by President Snow, and Judge Ethridge continued with the Report of the Study Committee. It was moved, seconded, and carried by the vote of the convention that the remainder of the Study Committee Report be presented at 9:30 A.M. June 20.

Mr. Joseph E. Wroten of Greenville then presented the Report of the Legislative Committee. After motion and second the convention adopted this report.

Mr. William M. Deavours, Editor of the *Mississippi Law Journal,* presented the Report of the Editorial Board and the Report of the Law Journal Committee. After motion and second this report was adopted by the convention.

At this time President Snow introduced Mr. Ben F. Cameron of Meridian, who gave the following address:

## FUNDAMENTALS OF PRACTICE IN FEDERAL COURTS FROM THE STANDPOINT OF A PRACTICAL TRIAL ATTORNEY

*Ben F. Cameron**

Mr. Snow, and brethren of the Bar, it is now fifteen years since something cataclysmic happened to the machinery by which litigants present their causes in a federal court. At that time, in 1938, there sprung

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[1]All committee reports will be found in Appendix A.

*Cameron & Cameron, Meridian, Mississippi.

Pallas-like full fledged from the Jovian forehead of the United States Supreme Court eighty-six Rules of Federal Procedure, which revolutionized the mechanics of getting a lawsuit to trial. At one fell swoop all of the learning which had evolved the great science of pleading and practice through Blackstone, Littleton, Coke, Storey, and Stevens, all were cast into the limbo and eighty-six rules came forward to take the place of all the learning of all the ages.

I speak not in defense of those rules or in criticism of them. I recognize, as you do, that they are the rules by which we must live and make our livelihood, and see that justice is done. And ours is not the duty to question, but ours is the duty to search out, and having found the way, to follow the way.

Of course, there is now only one civil action in the federal courts: no law, no equity. You do not call it a suit; you call it an action. I speak not to these experts whom I see here in attendance today, I speak to the average fellow who, like myself, has to stumble and grope his way along day by day in the federal courts in this vast maze which is the simplification which the Advisory Committee advised us would follow passage of these rules. Of course they little foresaw in twelve years there should be many thousands of decisions deciding what the rules meant. Now we have only one civil action, and jurisdiction is not affected by the rules, nor is venue—only the mechanics by which you get your lawsuit to trial.

A lawyer starting out to get justice for his client naturally, formulating his strategy from beginning to end of his lawsuit, thinks of the various stages. First, he concerns himself with the pleadings stage. It is trite to say that pleadings under the new rules are simpler than those we were taught in law school and less important. We used to think that a judgment could rise no higher than the pleadings on which it rested. It is no longer true.

In Rule 54, you will find that a judgment shall cover all of the issues developed by the proof, regardless of what the pleadings might have developed. At the outset they are less important too, because the function of pleadings heretofore in the common law and in our state court pleadings, was to serve as the medium by which you let your opponent know in some detail what things you were going after him about. That is no longer the function of pleadings only. You just want to give your opponent a bare skeleton of what you are in court about, and invite him to come forward and avail himself of the means of exploration provided by the various rules. Therefore, pleadings are nothing but skeletons. It has become almost impossible to go into any federal court and get a pleading dismissed because of failure to state a claim upon which relief can be granted. Almost all you have to do is give the address of the plaintiff, and whether the lawsuit is about a mule, or a pound of meat, or a piece of land. You have to go into the exploratory realms in order to find out really what the lawsuit is about.

Of course, we ought to know in passing,—we, who have learned the mysteries of common law pleading—there are some definite and rather

drastic differences between what we have heretofore learned and what we have to learn now. In the federal courts there are, of course, no special pleadings, only a complaint and an answer. Mind you, it is called a complaint, not a declaration. And, although it is a complaint, the man on the proponent's side is not the complainant, he is the plaintiff.

There are some things that have to be presented by motions, but motions may be included in the answer. There are seven things which have to be brought forward by motion, which I will not enumerate, but you better watch because all but two of those seven you waive if you do not bring them forward by motion. You do not waive the question of jurisdiction of the subject matter, and do not waive the question of whether the complaint states a cause upon which relief can be granted; but all the rest, unless you raise them by motion, presumably you waive them.

It should be borne in mind that counter-claims have a little more breadth and scope than they have in state practice. Cross claims, that is, of plaintiff against plaintiff or defendant against defendant, have a very widely extended scope, so much so that any party can bring in any other parties in order that he, being impaled by somebody else, may bring in as many victims as he can show to have an interest in the subject matter of the lawsuit; the only limitation is that he cannot jeopardize the jurisdiction of the court by bringing in additional parties.

A good many of us are disposed to stumble when it comes to three party complaints because that is a realm heretofore unknown to any of us. A three party complaint is used by the man who says to the plaintiff, "Yes, I don't admit that I owe you, but if I do, maybe this other fellow over here owes me, and let's bring him in and settle everything at one time."

I recently observed a case which brought this practice into play in a very typical way. An employee of a railroad company has been electrocuted when the boom on the crane on which he was working came in contact with a high voltage electric wire over the track. His case was brought under the Federal Employers' Liability Act, which, of course, is *sui generis*. The railroad said, "We don't owe that fellow, but if we do owe him, here is the power company which strung this line above our tracks, and that power company negligently strung its line above our tracks too close to the tracks; therefore, its liability being primary, it is liable to us, and we want that power company brought in to answer to this plaintiff if he should recover anything from us. And, furthermore, we say that that power company has a contract of indemnity protecting the railroad company from any liability which it may sustain to the plaintiff."

Well, of course, there was a great cry that you are mixing this thing up too much. You have different questions of law as to each party but, of course, that did not make any difference. The court brought all the parties in and heard the whole thing, as was proper. That is a typical case of third party complaint.

In passing, we ought to note the presence of the declaratory judgment rule, Rule 57, which, in conjunction with 28 U.S.C. § 2201, sets up

a complete means by which declaratory judgments may be had in a federal court; that is, getting your relief before it is too late to do you any good. As Judge Hutchison very aptly said, it is making a lawsuit a prophylactic instead of a therapeutic remedy, trying to prevent disease rather than cure it after it has had its onset; in other words, trying to close the barn door before the horse is stolen. A good many lawyers go into federal court as a habit and really get some speedy and very effective relief by this business of declaratory judgment, and a man better get up on that if he will know his way around in the federal court.

Having gotten himself started out on his pleadings, a man next begins to think about what is likely to turn out to be the most important stage of his lawsuit—the discovery of evidence. This in order that he may develop his claim or his defense, in order that he may plead properly, and in order that he may find out what the other fellow has up his sleeve (and in turn be obliged to divulge what he has up his own sleeve) which is certainly the most significant innovation in the whole category of federal procedure. You may take depositions before the action begins, while the action is pending, or while the action is upon appeal. You may proceed by written interrogatories under Rule 33 to a party, under Rule 31 to a witness, or by oral examination under Rule 30.

It ought to be observed that a good many people miss a good deal by not using Rule 33, which enables any litigant to proceed after suit has been filed a certain number of days: the defendant may go after the plaintiff the first day the lawsuit is filed or plaintiff may go after the defendant after ten days. He can propound a set of searching interrogatories which may require either litigant to tell everything he knows, everything he ever heard, everything his lawyer has told him, and everything his claim department has divulged. And it is a pretty potent weapon, because, by its proper use early in the game, one party can find out from the other party everything he is likely to have to meet further down the line.

The most effective and, by some, the most denounced of all the rules that have come to us in the Federal Rules of Civil Procedure, is that provided by Section 30, giving the right to examine orally any litigant or an outsider. The defendant may do that any time after the action is begun. The plaintiff has to wait twenty days, unless he can find a judge to give him an order setting aside that twenty day waiting period, either with or without notice. Everything relevant to the issues of the case may be developed, and Rule 26 specifically says, whether the evidence would be admissible in the trial or not. The purpose of that, of course, is to take all of the mystery out of a lawsuit. There ought to be, according to those who fashioned these rules, no advantage given to any man by the use of his wits, or by diligence, or by superior knowledge.

A lawsuit, after all, is dedicated to finding out the truth wherever that truth happens to lie, and to bring it finally before the arbiters of law and fact, who shall try to deal out justice. So where we lawyers who might call ourselves "of the old school" used to cry in a voice which rivaled that of Galli Curci, "That is nothing but a fishing expedition," the

court will now say: "So what? Of course it is a fishing expedition. That is all in the world this rule is;" and try to make you tell everything you know. If a man is successful, he can very well do that. He can learn from his adversary who are his witnesses. If you have taken any statements, "give me the names of people you had statements from and who your lawyer says know something about this case, and where do they live"—I am talking now about learning the identity of witnesses. Having learned that, you can go right on anywhere in the United States or anywhere else, unless arrested by the court, and take depositions of all his witnesses. Maybe bye and bye he will take all yours; so maybe by that time you have all lost interest in the lawsuit, and you settle. Anyhow, that is the way you proceed, whether you like it or not, and whether you think it is good or not.

However, there are some things to remember. The one limitation, when you go to take a man's deposition orally or by written interrogatories, is privilege. That means legally recognized privilege: privilege existing between the attorney and his client, privilege existing between the doctor and his patient, and the privilege which the commentators are decrying so much these days and which every lawyer, I am sure, is himself the spontaneous champion of—the privilege against self-incrimination. Unless what you ask about belongs to one of those recognized privileged classes, the only limit to the right to explore is relevancy, that is, whether it relates to some of the issues in the case which have been raised against you, which you intend to raise, or which you understand that the other parties are likely to raise against you.

Bear in mind that you do not have to object. It is rather a tedious thing to go into a deposition and have the lawyer on the other side dictate pages of objections. It is not necessary to object at all unless it is to the form of the question, which might be immediately alleviated if you let the fellow know the ground of your objection.

A lot of questions come up about whether witnesses should be required to answer a question or not, and that gets to be a matter of rather fine discrimination, and also a matter of some possible danger. Of course, the man against whom the deposition is to be taken has good protection. He has a right to go to the court where the action is pending before he ever submits his client or witness to examination. He has a right to go ask that court to limit the examination, to limit it as to time, as to matters which may be gone into, as to place, all those things.

After a deposition has been begun, he has the same right. He may ask that the deposition be suspended because he claims it is being carried on in bad faith. He has a right to say, "Hold on here, I want to go back to where this case is brought," maybe a thousand miles away, and get that judge to say you are proceeding in a way which amounts to bad faith, and claiming that you have no right to go further, or, he can do that where the deposition is being taken. And if you want to have a sad experience, get a notice to go to some place, like St. Louis, and have those boys jerk you into court and let those judges who know nothing about the case say what the witness has to answer and has not got to answer.

The man who is doing the questioning has a pretty good weapon up his sleeve if the witness does not answer like he wants him to answer. When the witness refuses the first time to answer, he may say, "All right, we will call a halt on this. We will go and see if you have to answer that or not." He can't go anywhere except to the judge in the district where the deposition is taken. And, mind you, if you go to a judge captiously, if you do not have good grounds, on either side, the judge has a right to visit all expenses, including attorney's fees, on the fellow who made the captious motion or objection.

There is, of course, no responsibility assumed by the man who takes the deposition. He does not vouch for the witness at all. The only way he can ever make himself liable for the truthfulness of the witness, the only way he ever vouches for the credibility of the witness by making him his own witness, is to use the deposition himself in some other way than for impeachment purposes or for contradiction.

The forcing of an adversary to bring in documents, has brought on more litigation probably than any other Federal Rule of Procedure, Rule 34. There is a rule under which lawyers get to going after their adversary; they say to themselves, "Well, this fellow had a claim agent on the ground pretty quick, I'll bet he has some photographs, statements; what's the use of me running them down; I will just go get them." And a lot of courts have made it just that simple.

There came along a fellow more valiant than most, a fellow named Fortenbaugh, who was a lawyer in Pennsylvania representing the owners of the tug boat "J. M. Taylor". A man was killed by an explosion on the "J. M. Taylor". The lawyer for the representatives of the deceased filed some interrogatories. He went at it the wrong way but the court didn't find him responsible for that. He finally got down to interrogatory number 38 and he said, "Have your lawyers attach copies of all the statements he has taken, and also answer how many witnesses he has talked to, and what each one said, and also give his own estimate and impression of whether those witnesses were telling the truth or not." Well, Brother Fortenbaugh didn't want to go that far, and so he raised up about it.

The Disrict Court in Pennsylvania said, "That is rather far." So they called all six judges of that court, had a prolonged hearing, but they said, "You are wrong about it, Mr. Fortenbaugh, you have to spill everything you know and everything you are thinking." Well, he still said, "I don't think I ought to do all that," so he appealed to the Circuit Court of Appeals of the Third Circuit. They said, "You don't have to tell anything at all. This is all privileged." So the lawyers for the estate of the dead man went up to Washington, got a writ of certiorari granted, and the Supreme Court of the United States took over. They said, "We agree with the Circuit Court of Appeals in the result they reached, but we don't agree with the reasons given." They said in the opinion that there was not in reality any privilege involved, in that Fortenbaugh was not asked to tell what his client had told him.

The Supreme Court of the United States, through Mr. Justice Murphy, wrote a very able opinion, with a very fine concurring opinion

by Mr. Justice Jackson who held the legal profession up in a very fine way. The upshot of what they said was that only the narrow, conventional concept of privilege in such circumstances is to be respected absolutely. But they said, "We are not going to make Fortenbaugh give up any of those things. In the first place you went after him under Rule 30 on oral examination, when you ought to have gone after him under Rule 34, under which you have to show some cause why it is you want to delve into the private papers of Mr. Fortenbaugh and all the long suffering lawyers like him." But they really didn't say anything very definite. They wrote beautfiul tributes to lawyers, their fidelity to the interest of their clients, and how standards of high decency prevail among most lawyers. But they said, "That doesn't matter, you have to give up what you have got which is proper and not privileged; but, before a fellow can make the lawyers disgorge, he must make an awful good showing himself."

They never got around to deciding exactly what they based the decision on beyond stating that it was not based on the privilege existing between lawyer and client. It looked as if they wrapped the lawyer up in an aura, and said if he is a lawyer you have to make an awful good showing or you cannot make him give up what he has. As a result of that, hundreds of district judges have taken a shot at what *Hickman v Taylor*[1] meant.

All I can say to you is when your opponent has some photographs taken on the scene and they can't be duplicated, I think it is pretty likely you can make your opponent let you see the photographs. If your opponent has taken the statement of some witnesses, you cannot get those just by saying that. You have to show why you cannot track those witnesses down, they have gotten out of pocket, won't talk to you, are not subject to subpoena under Rule 45-f, and a wall is built up in front of you. If you show all that, then maybe you can make the lawyer give up the statements he has got; but it is not nearly as easy as it used to be. And, after all, it is a matter of discretion of the court in every case.

The work product of the lawyer has been invested with a dignity and a privacy which extends over and above and beyond the privilege which always lawyers have had under the conventional rules of privilege.

Then there is the matter of physical and mental examination. Always the court can order the plaintiff to be subjected to physical and mental examinations upon good cause shown, and of course, in all these things you have to give notice. It is a pretty futile thing to go get an *ex parte* order. Judges will give them sometimes, but about nine times out of ten they will not.

Then there is the request for admission of facts and of the authenticity and genuineness of documents. That is a pretty heavy weapon itself and very little used. If a man has a notion that the other fellow really does not dispute as much as his pleadings seem to show, he can set down specific facts and ask his opponent to admit them. Within ten days, if

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[1]329 U.S. 495 (1947).

the other fellow does not come back and specifically deny them, they stand admitted. Many documents about which there could be no controversy may be proven in that way.

After you have gotten into court, then you see why I told you what happens generally. About that time we all go to settling. If you do not, then comes a very potent weapon in the hands of the judge. The judge calls the lawyers together and says, "Fellows, on my docket is a case with pleadings about as long as the moral law. I can't believe you fellows are really in earnest setting up all these facts, denying all these facts, so let's talk over the issues of this case." The first thing you know the judge looks you right in the eye—they have a way of making people tell the truth. The first thing you know, you have admitted yourself out of court on a lot of fancy issues you thought you had. And then you have about gotten to the point where the judge says: "With two good lawyers like you, it certainly looks like the case ought to be settled." Of course, you have your own ideas and suggestions about it, but the first thing you know you walk out, drink a Coke, and here is another case you settle. Pre-trial is really a very fine thing to lead people nearer to the essence of the issues, to the truth; and lawyers functioning fairly and honestly before the court are likely to boil the issues down to very simple questions which can be disposed of in a very short trial.

Some people have gotten caught in the matter of dismissals. Before the other side pleads, anybody can dismiss the average case. After a man has pleaded, you cannot dismiss without an order of the court—those come pretty easy, and sometimes you have to put up a little money. I heard of a fellow who had to put up a thousand dollars for the privilege of taking a non-suit. So it is not altogether simple, and, of course, a few of us have gotten caught. Most of us know you can take but one non-suit; if you try to non-suit again, it is a final judgment on the merits.

Then there is the matter of summary judgment, which enables a man to get quick judgment early in the game unless there is a real issue on the fundamental facts of the case. He can get summary judgment on one issue or all the issues of the case, and it is a very fine remedy when properly used. A man files his motion for summary judgment, files his affidavits and the depositions he has taken, and the other fellow, if he has not got a good defense, is right up against it. So there, again, these rules push you forward to the inevitable time when you must face the goddess of truth in all of her purity and splendor. The summary judgment rule is one of the most potent rules in getting sham issues ruled out of a case, and the real issues brought up to where they can be disposed of in a brief and final way.

This brings us to the trial stage. Of course, every lawyer knows he can get a jury—the Seventh Amendment entitles him to that—but he has to ask for it. I saw recently a case in which lawyers had been litigating up one street and down another, taking depositions here, there, and everywhere. They got to the pre-conference and the trial day, and something was said about the jury. One lawyer said, "It is not a jury case," and the fellow on the other side went out, started writing a belated re-

quest for jury. You just have ten days after the final pleadings to ask for a jury. Rules 38 and 39 give you the right to a jury, but you have to ask for it as to all issues or any specific issue you have in mind.

Exceptions are not necessary. And do not forget that interrogatories may be addressed to the jury and special verdicts may be returned. A man was telling me a few minutes ago of a long drawn-out lawsuit in Jackson, under a visiting judge, which was suspended when he was called back to his home; and, after many weeks, he came back and addressed some special interrogatories to the jury. They brought every one in answered correctly, coherently and without conflict, which he thought pretty wonderful. He thought it was quite a tribute to the jury system, as well as to the sanity and common sense of the average Mississippian.

Evidence is more liberally admitted in federal courts than state courts, because you have all the evidence traditionally admitted on the equity side of the federal docket, plus all federal statutes, plus all of the evidence that would be admissible if the case were on trial in the court of general jurisdiction in the state where the case is being tried. This gives a pretty broad field for admission of evidence. Findings of fact and conclusions of law in cases tried by the court alone are mandatory except on motions for summary judgment, etc., and the length of time for appeal is thirty days.

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Mr. Robert G. Nichols, Jr. of Jackson, President of the Junior Bar, presented the Report of the Activities of the Junior Bar Section.[1] Upon motion and second this report was adopted, and the convention voted unanimously to endorse and join in the recommendations of the Junior Bar Section.

At the request of President Snow, Mr. Gibson B. Witherspoon introduced the next speaker, Mr. Robert G. Storey of the Dallas Bar, President of the American Bar Association. Mr. Storey gave the following address:

## THE FUTURE OF THE LEGAL PROFESSION

*Robert G. Storey*

In the year 1944 the House of Delegates of the American Bar Association approved a proposal for a comprehensive survey of the legal profession in the United States. It was the first large-scale self-analysis undertaken by the legal profession in the United States.

The Council of the Survey of the Legal Profession, an independent, autonomous group, responsible solely to itself, and consisting of both lawyers and laymen, was organized early in 1947 under the leadership of the Honorable Carl B. Rix, then President of the American Bar Association. This Council selected, as first Director of the Survey, that great American lawyer, teacher and judge—the Honorable Arthur T. Vander-

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[1]This report will be found in Appendix A.

bilt, who served in that capacity until his appointment as Chief Justice of New Jersey. Chief Justice Vanderbilt was then succeeded by the inimitable Reginald Heber Smith of Boston, under whose direction the bulk of the Reports of the Survey have appeared.

The Survey of the Legal Profession consists of six basic divisions. They deal with professional services by lawyers, public service by lawyers, judicial services, professional competence and integrity, economics of the legal profession, and finally, the organized bar. It is with respect to this sixth aspect of the work of the Survey that I wish to speak with you today.

### *History of the Organized Bar*

First, let me clear up certain misunderstandings which may arise out of the use of this term "organized bar." Several weeks ago in speaking before an audience which included laymen I made reference to the "organized bar." After my address a gentleman approached me—perhaps I should say reproached me—with the comment: "I didn't know that the lawyers were organized too. What are you affiliated with, the A.F.L. or the C.I.O.?"

The organized bar simply means the lawyers in their several formal associations. Perhaps it is true that whenever two lawyers get together an argument is certain to start, and that whenever the number rises to three an organization is sure to be formed. In any case, it is a fact that lawyers, as much as if not more than other professions, tend to form themselves into associations wherever by thus associating themselves they can better serve the public interest. Compulsory bar associations exist only at the state level in those states, in which by law the administrative control over the legal profession is vested in a state bar association. All other associations of lawyers are purely voluntary—and this includes the American Bar Association itself.

During the colonial period of American legal history the legal profession was struggling for survival and for recognition. Puritan suspicion of the "mysteries of the law," enshrouded as they then were in Latin and Law French, and the strict and technical pattern of the English common law system, was quickly fastened upon any who presumed to authority in that discipline. The colonists, who sought to build a new world in the wilderness, could find no excuse or justification for lawyers in the utopia of pioneer America. And this aversion of the colonists to the black-hatted men, with their briefs tucked under their arms, was furthered by the clergy who sought to adjust controversies according to scripture, and by royal governors who resented any legalistic limitations upon their personal prerogatives.

But controversies arose for which legal solutions had to be found, and the development of a class of law practitioners was inevitable. When court systems were firmly established in the several colonies at the end of the seventeenth and the beginning of the eighteenth centuries, the practice of law, as a profession, received a general, if reluctant, recognition. Although the courts frequently were staffed principally by laymen, they

came soon to the realization that cases were best handled by men skilled in the law and devoted to it as a profession.

Thus by the time of the Revolution there had developed in colonial America a body of men trained in the knowledge of law and its skills who, having pride in their profession, established a sound leadership in law. Many of these men had received legal training in the English Inns of Court and had come to appreciate the value of the professional comradeship which the Inns of Court sought to create in their members. Dedicated as they were to the cause of justice and its fair and honorable administration, they found a need for associating themselves together to accomplish improvements in the substance of the law and its procedures. They discovered, then, that which we so well understand today, that to attain the highest standards of Justice requires the collective efforts of men dedicated to the profession of law. And they learned, too, that to be effective as profession they had to maintain the highest standards of professional conduct and to rid themselves of the mean, the corrupt and the incompetent. So it is that in the autobiography of John Adams we find accounts of meetings of Boston lawyers called to consider problems affecting the legal profession and the administration of justice. Adams was especially disturbed by the number of pettifoggers and persons of poor character who purported to engage in law practice, most often to the harm of their clients and always to the disrepute of the law and to the disgrace of the legal profession. Adam complained that "pettifogging meddlers attempted to draw writs, and draw them wrong oftener than they do right." And he accused the deputy sheriffs, pettifoggers and constables of stirring up unnecessary litigation. One such irresponsible lay practitioner with whom he found particular fault was a tavern keeper who kept between the bottles of his established trade the two volumes of his avocation: *Every Man His Own Lawyer* and *Gilbert on Evidence.*

In proposing that action be taken to protect the good name of the profession and the proper interest of the public from the mercenary practices of the pettifoggers, Adams sought agreement upon measures to remedy the evil. In his words: "A meeting was called and a great number of regulations proposed, not only for confining the practice of the law to those who were admitted to it and sworn to fidelity in it, but to introduce more regularity, urbanity, candor and politeness, as well as honor, equity and humanity among the regular practitioners." So successful were these first meetings of the bar that Adams subsequently described them in these glowing terms: "The spirit that reigned was that of solid sense, generosity, honor and integrity; and the consequences were most happy, for the courts and the bar, instead of scenes of wrestling, chicanery, quibbling and ill manners, were soon converted to order, decency and candor." And Adams made note of the words spoken to this assembly of lawyers by one of its members departing to New York to assume a high judicial post: "Brethren, above all things, forsake not the assembling of yourselves together."

This, then, was the beginning of bar associations in the United States. I shall not go into the history of the many forms and types of associations of lawyers which followed. Their activities cannot easily be found in

historical data presently available to us. There must have been many such informal groups of lawyers meeting together for social pleasure and for consideration of problems of general interest. These meetings of lawyers in unofficial societies led, inevitably, to the more formal associations which we speak of generically, today, as the organized bar.

Perhaps the Philadelphia Bar Association has the most perfect claim to the first formal association of lawyers in this country. That great Association celebrated its 150th anniversary just last year. It was not until 1870, however, that bar associations came to be formed generally in accordance with the modern pattern and with modern purposes and objectives. In that year the Association of the Bar of the City of New York was established. It has been called "the premier association of its kind in every sense of the been called "the premier association of its kind in every sense of the word". And its significance as such is based primarily upon the fact that it was organized not as a social club, nor as an association for the benefit primarily of its own members, but as a society dedicated to the improvement of law and justice in the public interest. The second article of its constitution provided: "The Association is established to maintain the honor and dignity of the profession, to cultivate social intercourse among its members, and to increase its usefulness in promoting the due administration of justice." In subsequent amendments of the constitution the objective of improved social relationships was relegated to the position of least importance. Emphasis thereafter was placed upon objectives which served the interest of the public through improvements in law and its administration.

In 1878 the American Bar Association was formed at the now historic meeting at Saratoga, New York, called by the Honorable Simeon E. Baldwin. While its programs and committee reports were excellent in the formative years, it was not until the turn of the century that the American Bar Association attained a membership which enabled it to be truly representative of the lawyers of America. In 1918 the Honorable Elihu Root, as President of the American Bar Association, invited all state and local associations to a conference in connection with the annual meeting of the Association. This conference of bar delegates became a Section of the Association in 1919. At the Boston meeting in 1936 the representative character of the American Bar Association was formalized by the creation of a House of Delegates composed of representatives of state and local bar associations. It is this representative body which today controls the administration of the affairs of the American Bar Association. Since 1923 there has been an active state bar association in every state or territory of the nation, and it may be safely asserted that each state and territory has its local bar associations as well. Practically all bar groups in the United States are formally represented today in the House of Delegates of the American Bar Association.

This, then, is the organized bar of the United States as it exists today—formal organizations of lawyers at the local, state and national levels—with the single purpose of strengthening the legal profession and improving the administration of justice. Gone are the lawyer-societies of our formative years which were established essentially for social amen-

ities. Gone, too, are the irregular meetings of the bar and the informal organizations called spasmodically to consider matters of diverse and immediate concern to the lawyers—such as charges of malpractice or dishonorable conduct against one of their members. Instead, we now have the organized bar consisting of formal organizations of lawyers in various communities and states of the nation, serving their localities and, through the American Bar Association, serving the nation. I fear that sometimes lawyers in their local associations do not fully appreciate the fact that the American Bar Association is their representative in national legal affairs. The American Bar Association is not an autonomous body of lawyers disasssociated from state and local groups. Through the House of Delegates it is a representative body of the associations of lawyers at state and local levels. State meetings such as your own implement and strengthen the working relationship between state and local bar associations and their national instrumentality—the American Bar Association. The activities of the American Bar Association are being decentralized through the recent successful regional meetings. State, local and American Bar Associations are being brought closer together because of common tasks. We need more unified consideration of such problems.

*The American Bar Center*

The American Bar Foundation is now engaged in a great project of vital concern to all state and local bar associations and, indeed, to all lawyers in the United States. This project is the building of the American Bar Center. This Center will be the intellectual as well as administrative headquarters of the American lawyers, and has one principal mission—to serve the public good. That is why we may claim, and must live up to, the characterization of this coming epoch in the history of the American Bar Association as the Era of National Service.

It is altogether fitting that our purposes should be so dedicated. The American Bar Center will be established not only from the contributions of active members of the bar, but also of other benefactors. Foremost among the latter is the gift by the University of Chicago of the land upon which the Center is to be built. In addition, we are to receive the $400,000 bequest of William Nelson Cromwell of New York, which is held by the trustees of the American Bar Association Endowment. The total cost of buildings of the American Bar Center is $2,000,000. Of this sum the lawyers of America are being asked to contribute $1,500,000. Everyone who takes pride in his profession should contribute to the building of this Center.

This is the first step. The second will be the launching of a great program of service and research in bar association activities and objectives. A library and research planning committee is now at work studying the policy and initial research projects which may be undertaken upon completion of the physical facilities of the Center. Chairmen of various sections and committees of the Association have submitted more than fifty subjects of vital public interest which they consider to deserve special study and research. Out of this list and suggestions which will be forthcoming in the future, the research staff of the American Bar Center will

undertake programs of intensive study in bar association objectives which will enable the organized bar to vastly increase its service to the public.

I think you will be interested in some of the projects which have been suggested as suitable for this type of research:

1. What are the minimum standards for effective criminal justice? What sort of legislative programs need to be set up to deal with crime? What are the conditions that create organized crime? Can they be corrected through the law?

2. What, precisely, are the advantages and disadvantages to the public of administrative tribunals, as compared with judicial tribunals, in dispensing justice?

3. Should the antitrust laws be restated? Can we solve economic and social problems through this type of legislation?

4. What are the facts regarding legal aid in the United States? How many people need and use it?

There is no question but that the Research Center of the American Bar Association will have endless opportunity of service to the legal profession and to the American people through legal research. We expect great foundations to finance these worthy research projects.

In addition to these studies of matters of current public interest, the American Bar Center will serve as a clearing house for the similar research activities of other groups, and especially of state and local bar associations, legal centers and law schools. At the present time there is no agency in the nation which provides this coordinating function. Good ideas and the practical results of sound legal research ought to be widely disseminated. Most state and local associations now publish bulletins or journals of their activities. The assembling and cataloguing of these records of bar association activity will be an important function of the American Bar Center. Local and state bar asssociations, considering new projects, may then write to the Center requesting information on similar efforts and the results thereof by other bar associations. Ultimately, this clearing service will be extended to include the principal countries of the free world, as well. The American Bar Center than will become a nerve center for all the organizations of lawyers, at work in freedom's cause, throughout the free world.

Finally, this Center is destined to become a depository of many noble and precious books and documents. Over the years it will receive charters of bar organizations, certificates of merit, citations of service, publications of research projects—such as the Survey of the Legal Profession—and books, unusual and important court records, trial briefs, and documents. We may expect that many lawyers and bar associations will utilize the American Bar Center as a permanent custodian for such legal gems.

Yes, the American Bar Center is a great step forward in the history of the organized bar of the United States. But it is a step forward only

because it offers the opportunity for greater service by the lawyers of America, through their many associations, not only to the legal profession, but to the people of America.

*Era of National Service*

The creation and financing of the American Bar Center during this, our Diamond Jubilee Year (the 75th anniversary of the organization of the American Bar Association) is most appropriate and timely. But we should do more—we must plan for the future. I propose that we dedicate the resources of our profession towards an "Era of National Service" to the public and our profession. Great problems affecting our practice and the nation should inspire us to greater tasks. The future is most challenging because significant issues demand our best thought. Such tasks as improving criminal justice, extending legal assistance to all those who are unable to pay a fee, or only a nominal one, indemnifying clients against loss of funds entrusted to members of the organized bar, providing a better method of selection of state judges, and adequate judicial salaries demand our immediate consideration and leadership. We are upon the threshold of a new area which I propose as the "Era of National Service."

The organized bar stimulates great leadership. Lawyers throughout our country are deeply conscious of the tasks before our profession and nation, but we need more dynamic leaders. Chief Justice Vanderbilt, Reginald Heber Smith, Dean Roscoe Pound, John W. Davis and other stalwarts in our profession cannot complete all the worthy projects of the organized bar. We desperately need more leaders in American, state and local bar associations.

During World War II General H. H. Arnold, Commanding General of the United States Air Force, inspired leadership with his motto: "The difficult tasks are routine, the impossible take longer." This inspiration can be adapted to the problems of our profession.

The law is not a trade, neither is it a calling just for gentlemen. It is a profession. It is open to those who demonstrate their ability in law and their dedication to its grand purposes. For what is greater than to serve the cause of justice, and to contribute to the attainment of that perfection which justice conceptually is? One man, however dedicated, seldom can do much to bring about improvements in the general administration of justice. He must work with his fellow lawyers to that end. He needs the help of the associations of lawyers determined with him to work unceasingly for a better legal system. That is the real purpose of bar associations. That is the objective of the American Bar Association. That is the mission of the organized bar. Let us dedicate ourselves to the Era of National Service.

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President Snow then called for the Report of the Public Relations Committee.[1] This report was presented by Mr. Rowan H. Taylor of Jackson, and upon motion and second was adopted by the convention.

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[1]All committee reports will be found in Appendix A.

Mr. J. K. Travis, as Chairman, gave the Report of the Budget and Finance Committee. Upon motion and second this report was adopted by the convention. Following the adoption of this report, the meeting was adjourned by Mr. Nichols, acting as Chairman for President Snow.

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## SOME OBSERVATIONS ON THE TRIAL OF LAW SUITS

*Lester F. Dodd**

The business of trying law suits is a baffling business. Because it is, I suppose, all trial lawyers (and are we not all advocates at heart?) are willing to read or listen to almost any self-proclaimed expert who promises to improve their trial techniques, even though they know full well that they are buying the Empire State Building. Just, I suppose, as there were patent medicine vendors whose nostrums were guaranteed to cure the caveman's arthritis, there were probably experts in the art of advocacy who chiseled their infallible tips on trial techniques on slabs of stone.

In fact, although my research has not taken me quite back to the stone age, there does come to mind what is, at least to me, an amusing example of respectable antiquity. Doubtless many of you have read Robert Graves' book, *Claudius the God*.[1] In that delightfully amusing chapter in which the Emperor Claudius recounts his experiences as a Roman Magistrate he tells of passing each day, as he came into the Market Place from the Palace, a stuccoed building across the face of which was tarred in enormous letters:

> "FORENSIC AND LEGAL INSTITUTE Founded and Directed by the most Learned and Eloquent Orator and Jurist Telegonius Macarius of This City and of the City of Athens."

Underneath this on a huge square tablet appeared the following advertisement:

> "Telegonius gives instruction and advice to all who have become involved in financial or personal difficulties necessitating their appearance in Civil or Criminal courts; and has a positively encyclopaedic knowledge of all Roman edicts, statutes, decrees, proclamations, judicial decisions, etcetera, past and present, operative, dormant or inoperative. At half an hour's notice the most learned and eloquent Telegonius can supply his clients with precise and legally incontrovertible opinions on any judicial matter under the sun that they care to present to him and his staff of highly trained clerks. Not only Roman Law, but Greek Law, Egyptian Law, Jewish Law, Armenian, Moroccan or Parthian Law—Telegonius has it all at his fingers' ends. The incomparable Telegonius, not content with dispensing the raw

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*Crawford, Sweeny & Dodd, Detroit, Michigan. Past President of the Michigan State Bar. This address was delivered by Mr. Dodd at the Annual Banquet, June 19, 1953.

[1]Robert Graves, *Claudius the God* (Smith & Haas, 1935).

material of Law, dispenses also the finished product; namely, beautifully contrived forensic presentations of the same complete with appropriate tones and gestures. Personal appeals to the jury a specialty. Handbook of Brilliant rhetorical figures and tropes, suitable for any case, to be had on request. No client of Telegonius has ever been known to suffer an adverse verdict in any court—unless his opponent has by chance also drunk from the same fountain of oratorical wisdom and eloquence. A few vacancies for pupils."

Insofar as I have been able to discover Telegonius was not only the first advocate of record to boast that he never lost a law suit, but was the first of the self-proclaimed experts to broadcast his ability to teach his brethren at the bar how to accomplish that same desirable end.

Seriously, of course, we all recognize that successful trial techniques cannot be acquired from books or lectures. What is one man's meat is another man's poison. Methods and procedures that are highly successful for one lawyer may be ruinous if another attempts to use them. In short, there are no infallible, standard, trial techniques. Efficient trial procedures are almost as individual as finger prints because they consist in the last analysis, of nothing more nor less than the application of a sound basic knowledge of the rules of evidence and procedure, an instinctive knowledge of practical human psychology, and a modicum of native intelligence. I say a modicum, because if any trial lawyer had real good sense, he would not be a trial lawyer.

And so—having established that no one, least of all I, can better your trial techniques—I shall, like a true expert, attempt that very thing. I offer you two suggestions.

The first is elementary and upon it I need spend little time. It can be phrased in two words: Be Yourself. I believe I have seen more promising young, and many not so young, trial lawyers fail to advance beyond the stage of mediocrity because of violation of this precept than from any other cause. I have so frequently observed, and doubtless so have you, the lawyer who has so obviously attempted to copy the style, and in some extreme cases even the mannerisms, of some well-known trial lawyer, that no one acquainted with the original could fail to recognize the plagiarized copy as such. Nothing detracts more from a trial lawyer's effectiveness than an apparent lack of sincerity. If a man be a sufficiently skilled actor to present a convincing air of sincerity while carrying out a bald impersonation, he has missed his calling. He ought to be on the stage and not in the court room. I do not mean to suggest that we cannot learn from observing and studying good trial lawyers in action. On the contrary, there is no sounder way of bettering our own techniques. Learn from the other fellow—yes; ape him—no. Be yourself.

I come to suggestion number two—and this is the essence of what I have learned in thirty-five years of trial experience—to my mind, the essence of sound procedure in the court room: When in doubt—don't!

When in doubt, don't do it. When in doubt, don't ask it. When in doubt, don't say it. In short, when in doubt—don't!

I have long had a theory that few law suits are won but many law suits are lost. It may appear to be a simple matter of mathematics, that whenever a lawyer loses a law suit, another lawyer wins a law suit. Nothing is more fallacious. The law suits that are lost have no numerical relationship to the law suits that are won. Out of any given number of law suits tried a substantial portion will be determined on bare facts and upon elementary principles of law, such that only one result is reasonably probable. In such a case neither plaintiff's counsel nor defendant's counsel has really won or lost a law suit.

Let us assume that of one hundred law suits thirty will fall into that more or less automatically determined category. Of the remaining seventy it is my view that possibly twenty are won (and this is probably too high an estimate) but at least fifty are lost. I can offer you no statistical background or support for these figures since there is obviously no way in which results may accurately be classified. I believe, however, that most experienced and observant trial judges and lawyers will agree, upon reflection, that the cases which have been lost by lawyer's mistakes far outnumber those which have been won by the advocate's brilliance or by his affirmative acts and techniques. In plain every day terms of results—we can best improve our efficiency in the court room by lessening our mistakes.

Now what are the most common and most serious mistakes in the trial of law suits? I believe they fall into a related group which collectively can be said to constitute "Over-Trial". The over-trial of a law suit means simply that a lawyer has tried too hard. He has committed the cardinal sin of the duffer on the golf course—he has pressed. He has talked too much. He has offered too many witnesses. He has over-examined. He has over-cross-examined. He has over-objected. He has over-argued. He has over-acted. In short, he has given himself, his witnesses, the judge and the jury, too many chances to err.

It is utterly trite, but utterly true, that to err is human. We all make mistakes. After many years of trial experience I can say truthfully that I have never encountered a superman or a genius on the opposite side of the table in the trial of a law suit. Any man who talks long enough, whether in or outside the court room, will eventually say the wrong thing. Any lawyer who climbs out on every limb in the trial of a law suit will eventually find himself on one which cannot bear his weight. I suggest that an effective way to minimize our mistakes is to minimize our chances of making mistakes and that an effective way of minimizing our chances to make mistakes is to think a bit more and talk a bit less.

And now, having given you warning of the dire perils of loose talk, let me indulge in some by way of attempt to apply the rule of don't to a few of the actual steps in the trial of a law suit. Recognizing, of course, that the trial of any case begins in a broad but very real sense long before you reach the court room, and that thorough preparation, both upon the facts and upon the law, is of primary importance, nevertheless I am confining my observations to actual court room procedures and am indulging in the somewhat risky assumption that at this point you have carefully prepared your case and have a thorough knowledge of it.

You begin, assuming that you are trying a jury case, with the selection of the jury. Procedures vary, of course, in the selection of jurors. In some jurisdictions jurors are drawn. In others they are stricken. In some you examine prospective jurors yourself. In others you examine through the court. These details are immaterial since the applicable principles remain the same. I assume, of course, that in some manner you attempt to ascertain the background, the prejudices, the acquaintanceships or connections that may exist between the prospective jurors on the one hand and the parties, the lawyers and the witnesses on the other. You do this, of course, for two reasons: To establish the basis for possible challenges for cause and to establish a sound basis for exercising your right to pre-emptory challenges. Reasonable precautions are only good sense, but over-examination or over-inquiry can be highly dangerous. Don't pry. Jurors are apt to resent it. Don't put the suggestion of racial or religious or political or economic prejudices into their minds by letting it become too apparent that it is in yours. Avoid those general, frequently provocative, and usually dangerous questions such as: "Would you entertain any prejudice against my client because of his being of a different race or religion?" In the overwhelming majority of instances the answer to such a question will be "No". Men do not often admit and frequently do not consciously recognize that they possess such prejudices. By asking such a question and obtaining the almost certain answer you have accomplished nothing except possibly to have stirred a dormant prejudice into an active one or to have left the prospective juror with a resentfully guilty feeling because you have forced him to lie. Even in the rare circumstance in which you might get a "Yes" answer to such a question you would probably do well to permit the juror to serve, on the theory that a man honest and conscientious enough to admit his prejudices, is quite likely to lean over backward in favor of your client.

Avoid exhaustive examination of prospective jurors. If you are for the plaintiff don't let the jurors get the impression, as all too many lawyers permit them to do, that you are so concerned about getting a *favorable* jury that you must have a *weak* case. If you are for the defense, don't build up the importance of the case by exhaustive examination. You may find you have succeeded only in multiplying the damages.

I find that the longer I practice law, the more frequently inclined I am, to indicate my approval of the first twelve jurors that take their seats with a bare minimum of examination and frequently none at all. I may be, in fact obviously am, taking certain chances in so doing. But just bear in mind, that if I am opposed by a lawyer who adopts the same strategy, we are taking equal chances and are at least starting even. But if, and usually this is the case, I am opposed by a lawyer who does not follow that procedure, but who examines minutely into the backgrounds and personal affairs of the jurors, I wind up both with the benefit of his exhaustive examination and the psychological advantage of having exhibited perfect confidence in my case, of having asked no wrong questions, of having stirred up no prejudice, of have made no enemies on the jury. In short, I have given my opponent all the opportunities to make mistakes by the simple expedient of keeping my mouth shut.

Be exceedingly sparing in the use of your pre-emptory challenges. Unless you are a better psychologist than most of us, or are possessed of a phenomenal luck, or both, you will usually find that in exercising a challenge on a hunch, or as our more erudite brothers might say, by intuitive judgment, you have succeeded only in out-smarting yourself. The sour visaged old gentleman in seat #4 whom you were so certain would be for the defendant turns out to be the benevolent, warm hearted, open-handed type that is the dream of every plaintiff's lawyer. That prime looking spinster whom you were so confident would vote to hang your client because he had had the customary two beers before the accident, is herself, a potential candidate for Alcoholics Anonymous. In short, don't permit guess work or hunches to multiply your chances to make mistakes. In pre-emptorily challenging a juror you give yourself one possible chance to help your case but you give yourself several chances to harm it. To me that is not sound percentage. If you are wrong in your appraisal of the prospective juror you have eliminated a favorable rather than an unfavorable juror. If you are right in your appraisal you may have eliminated an unfavorable prospect only to see him succeeded by a far more unfavorable prospect. Or you may have eliminated a poor juror at the cost of making other jurors resentful of your—to them—arbitrary exercise of your power to excuse. And, finally, you may find, as I so frequently have, that if you will just keep your shirt on your opponent will eventually dismiss the very fellow that you were most afraid of.

Having drawn your jury, you now approach a stage in the trial where you are offered a really golden opportunity to talk too much. I assume that under your practice, as under that to which I am accustomed, counsel for each side is obliged to make an opening statement. There is thereby placed in the hands of counsel that which can be a very valuable weapon but that which can be a very dangerous weapon.

The Michigan Court Rule on the subject says:

> "On the trial of a cause it shall be the duty of the plaintiff's counsel, before offering evidence to support the issue on his part, to make a full and fair statement of his case and of the facts he expects to prove. After the evidence is closed on the part of the plaintiff and before any evidence is offered on the part of the defense, a like statement shall be made by the counsel for the defendant, or at his election such statement may be made at the conclusion of the statement by the plaintiff's counsel."

Note the language "a full and fair statement of his case and of the facts which he expects to prove" but don't take that or similar language in your own rule or statute too literally. In interpreting or commenting on that rule our courts have recognized that "the opening statement should be brief," "should relate the *salient* facts which form the basis of the claim or defense," "should contain *ultimate* facts rather than *details* of the testimony to be adduced" and finally, and of prime importance, that "any facts stated in the opening statement can be taken as an admission by the other party and thereupon need not be proved by such other party."

Thus it is apparent that caution and economy of speech are doubly important in connection with an opening statement. Not only do you run the risk of prejudicing court and jury by overstating your case by promising more than you can prove, by making unnecessary promises of proof, etc., but you risk making legally binding admissions which can ultimately prove to be your undoing. I have never known a lawyer to lose a law suit by saying too little in an opening statement. I have seen many lost because he has said too much. I can recall at least three cases in each of which I have had a motion to direct a verdict granted on my opponent's opening statement. I have on many more occasions had the court give binding instructions on some important, and sometimes vital, phase of the case simply because my opponent has made an ill-advised, unnecessary statement in his opening that later developed to be an important admission against interest.

No matter how carefully you have prepared your case, no matter how sure you are that your key witness has been properly "horse-shedded" and will testify to exactly what he has told you, he is quite likely, as we all have good reason to know, to take the stand and blurt out a version of the facts which makes you wonder if you brought the right file. Now, in many such cases the version given from the witness stand, even though different than that given to you in your office, is still fundamentally truthful and sufficiently consistent with your pleadings and with your general theory of the case, that your case is not irretrievably lost. In such fortunate cases, assuming you have not previously opened your big mouth and told the jury exactly what the witness was going to say, you have suffered nothing more serious than that acute sinking feeling in the pit of your stomach which, after all, is only a symptom of normalcy to the experienced trial lawyer. But if you have made the mistake of promising the jury earlier that the witness was going to testify to a particular detailed set of facts, you are in for it. You have not only made yourself and your witness objects of suspicion to the jury, but you have given your opponent that golden opportunity to crucify you in argument simply because you failed to observe the simple rule—Don't say it.

If you have succeeded in getting a jury sworn and an opening statement made without having talked yourself out of business—don't despair. You still have many chances. You have witnesses to examine and some to cross-examine.

If it is your studied practice to think before you ask, to ask in such a manner as to elicit only the evidence that you are trying to develop, to ask it so that it is understandable both to the witness and to the jury, to ask it in simple language, to ask it in such manner as to avoid offense, and finally, to ask only necessary questions of necessary witnesses, I can be of no help to you on the subject of examination.

But if you are in love with the sound of your own voice, if it is your chief purpose to convince all within earshot of your own brilliance rather than the soundness of your client's case, if you are willing to take your chances on asking a question which the witness may interpret and answer in any one of six ways, and most vital of all, if you are willing to risk the

dire consequences that so often result from putting on that unnecessary witness or asking of a necessary witness that unnecessary question, I offer a suggestion.

All of you will recall that during the war when it was so important to conserve transportation facilities for war time need, we were constantly confronted with the question—"Is this trip necessary?" I suggest to the earnest consideration of every trial lawyer the desirability of hanging a mental sign in his own consciousness—"Is this witness necessary?" "Is this question necessary?"

Volumes have been written on the subject of cross-examination. In my view the art, the secret, of successful cross-examination is to refrain from cross-examination except where absolutely necessary. The most brilliant cross-examinations I have ever heard have consisted of two quietly spoken words—"No questions". Recently, one of my Milwaukee friends repeated to me one of the sagest observations that I have ever heard made on the subject of cross-examination. He quoted another member of his bar as having said: "The most successful cross-examinations I have ever made have been those I have made of my own clients in my own office before trial."

You will note, of course, that I do not say never cross-examine. Manifestly there are many occasions when it is necessary. Your case may be so weak that you have nothing to lose. You may have definite contradictory material, preferably documentary, with which to confront and confound the witness. You may wish to set the stage for evidence of your own. A variety of circumstances may dictate the necessity of some cross-examination. When those situations present themselves your proper methods of cross-examination will almost automatically suggest themselves by the very nature of the situation. But let no one teach you the supposed art of cross-examination. The moment any trial lawyer begins to fancy himself as a skillful cross-examiner he is lost. When a young lawyer embarks upon his first cross-examination he finds at first it is exhilarating and exciting. But the practitioner quickly finds it impossible to refrain from practicing his art upon every available subject with the inevitable result that he becomes an incurable addict.

I could go on, of course, through the remaining steps of a typical trial. Motions to direct, the raising and arguments of points of law addressed to the court, argument or summation to the jury, requested instructions, etc. The applicable guiding principles, at least those within the scope of this discussion, remain the same. Each succeeding step in the trial of a law suit offers its insidious invitation to over-trial. Each presents alluring opportunity to talk too much. It may help you as it has helped me to decline such invitations, to resist such allure, to consider the affirmative benefits of talking too little. I believe that much can, and perhaps should, be said for the advantages of deliberate under-trial—the deliberate and intentional failure or refusal to do or say that which might be done or said without justifiable criticism. Particularly it is desirable (although not confined thereto) in argument directed to court or jury. The deliberate understatement of the law to the court and of the facts to the

jury make for forceful and appealing argument. I think nothing lends emphasis more effectively than understatement. The human mind tends to resist a too forceful, too positive assault. It tends to reach out and welcome and absorb that which does not appear to be seeking entry by brute force.

I have been able to offer you no new, nor novel, nor startling ideas. I am convinced there are none in the realm of trial techniques. As long as the fundamental purpose of a law suit is to ascertain the facts, apply the law of the land, and thereby do justice between men and among men's causes, the basic and elementary rules of right and acceptable human conduct and deportment will be the trial lawyer's best guide to successful court room behavior and methods. Be yourself. When in doubt, don't say it. When in doubt, don't ask it. When in doubt, don't do it. In short, when in doubt—don't. You may not win more law suits, but you surely will not lose as many.

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## SATURDAY, JUNE 20, 9:30 A.M.

After the meeting was called to order by President Snow, Judge Ethridge completed the Report of the Study Committee. At the conclusion of the report a rising vote of thanks was given the committee for the work done.

President Snow then introduced Mr. Edmund L. Brunini of Vicksburg, who delivered the following address:

## THE IMPACT OF OIL AND GAS ON THE STATE OF MISSISSIPPI

*Edmund L. Brunini**

The social, economic and legal impact of oil and gas on the State of Mississippi has reached momentous proportions since the search first commenced in this state fifty years ago. From an inauspicious beginning—the first reported well being a dry hole near Enterprise, Clarke County, drilled in 1903 to a depth of 1842 feet—and based on many, many years of persistent but vain drilling, encouraged by the small Amory Gas Field in 1926, enthused by the truly important Jackson Gas Field discovery in 1930,[1] the State finally came into its own in 1939 with the discovery of the Tinsley Oil Field[2] by Union Producing Company.

Until Tinsley the scene in Mississippi was quiet, orderly and little noticed. But then the industry began to function—frantically and uncontrolled, at first. There was a wild scramble for oil leases. At one time in early 1940 there were as many as sixty-eight geophysical crews in the state during one month. In less than four months the acreage under lease was increased to seven million. Many wells were drilled. All were

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*Brunini, Everett, Grantham & Quin, Vicksburg, Mississippi.

[1]The structure itself had been known since 1860.

[2]Ten years before, J. P. Evans of Shreveport, La., blocked up this area and Amerada Petroleum Company sank a well. Their aim was not exact enough.

not productive, but neither were they all dry. The drillers, seismic crews, geologists, wildcatters, and engineers brought with them knowledge gained from experience in other fields. It helped—helped immensely, of course. But these were not "other fields." These were Mississippi fields. Like another set of thumbprints, the whole whorls were there, but differently arranged. 1940 was a disappointing year. In spite of wildspread drilling, soaring hopes, eager ambition and deep persistence, only the Pickens Field was found. Most exploratory wells were drilled in the central part of the state where geological and geophysical data was meager. Disappointment was keen and in the resultant gloom the potentials of the Tinsley and Pickens Fields were greatly underrated.

The wild rumors, the unfulfilled great expectations and the apparent waste of energy and resources in 1940 had a sobering effect on the young industry. It grew up a little; operators began to see that they had made some hasty decisions and that Mississippi rocks and sands have personalities of their own. They began to put more time and money into survey work before starting to drill. The geologists soberly began to plot the accumulated data on master maps of the state, piecing together bits of information, staring with dismay at the great gaps thus demonstrated, eagerly drawing in the reports of seismic crews, and venturing their best surmises as to the possibilities of unexplored areas. During this interim, the number of wildcat wells dropped sharply, and even these brought slim results. With the cost of drilling one well running anywhere from $40,000 to $500,000, the discouragement and disappointment of the years of 1941, when the results of drilling were so small, and of 1942, when no gas or oil at all was unearthed, the growth of a less healthy youngster would have been stunted. But it kept on, this lusty infant of an industry which burst on the scene from the backbreaking ravines and gullies of Yazoo County. The year 1943 was a brighter spot. In March of that year the jinx of 1941 and 1942 was broken with the tapping of the Brookhaven Field. This was a banner year and gave the industry badly needed encouragement. The Eucutta Field was found in September, 1943. Another small strike was made near Flora, but by far the most important was Cranfield near Natchez. (That field, now under unitized operation, produces more than a half million barrels of oil per month from ninety-four wells and is considered a potential hundred million barrel reservoir.)

Those close to the industry can well remember the pervading spirit of optimism then engendered. And the rumors! And the excitement! The California Company had discovered Brookhaven and Cranfield. Throughout the rank and file, like wildfire, the news was certain—California's geologists know the answer to Mississippi. Like hawks, every move of that company was watched for the next several months with many astounding results. The Willows block in Claiborne County was sought by California. A wild scramble. Prices soared, with a peak of $250 per royalty acre being asked and paid even though no announcement of a well location had been made. That bubble burst and California returned to its proper perspective—a good, sound company but populated by normal human beings, not seers and prophets.

1944 was another good period, bringing Mississippi's best record of

discoveries. Four new fields were hit: Mallalieu, Heidelberg, Baxterville, and the Gwinville gas field. In the next year geophysical exploration was increased 25 per cent and core drilling crews were doubled. Wildcat drilling hit an alltime high. The most important finds were Carthage Point, near Natchez, and Soso, between Heidelberg and Gwinville Fields.

Generally, 1946 was marked by a slowing down of exploration, leasing, drilling and discoveries. The leading find was an oil pool at LaGrange Field, and late in the year Pine Ridge came in, both in the Natchez area. But 1946 was marked by significant extensions of Brookhaven and Mallalieu Fields. 1947 was the fruitful year. Mississippi had the greatest percentage increase in production of any state. Production was still the big news in 1948.

The ensuing years have seen continued expansion and growth of the industry. But these years have brought with them their share of frustration. Too many small one- and two-well fields have resulted. The proportion of dry holes has far exceeded the national average. Deeper and deeper drilling has been required, greatly increasing the burdensome costs of exploration. Not enough substantial reservoirs have been opened. The oil and gas industry has spent over a billion dollars in developing Mississippi resources. It will take many more years of production to offset this heavy investment. And our young industry has a long way to go before it can even come within shouting distance of its big brothers in Texas, Louisiana and Oklahoma. We still occupy ninth place as a state for the production of crude oil. But if repeated efforts in the face of crushing failures and the heavy expenditures behind each new trial were the only factors, Mississippi would already be pushing for top position. As any Mississippi oil man can tell you from bitter experience, development work in this state has presented some of the most difficult problems ever encountered by an industry which is noted for its problems and risks. The odd and the unusual have become commonplace. The tricky, unpredictable Wilcox is the "vixen" of producing sands in certain areas of our state. In others, perfect structures have relinquished large quantities of oil and gas; but nearby, similar promising structures have proven to be dry as a bone. In some places, the massive sands have lived up to their expectations, but have been a source of keen disappointment in others. We have seen a well drilled to over four miles in south Mississippi, only seventy feet short of the world's record. At almost the same time we watched a well in our northwestern area strike almost impenetrable rock in the short distance of fifteen hundred feet. Certain sections of our northeast Mississippi region, thought of heretofore as hard rock country, have, in spite of exceedingly tight sands, yielded to the bold and persistent explorer. Soon, perhaps, the mystery of the buried Appalachian mounts under our northern section may be solved. For even a dry hole does some good—it is unquestionable proof of structure and formations in its immediate locale, and is an aid to more comprehensive geophysical and geological mapping.

While there has been gloom in the ranks of the industry during the past three or four years, a proper perspective teaches us that there have been periods of blighted hopes in our history in the past which have been succeeded by greater and more numerous discoveries. We have only to

look to Oklahoma for an object lesson in failure followed by almost unbelievable success. And in Mississippi, the dark horizon is beginning to lighten. Maxie Field, in the Hattiesburg area, with each passing month begins to challenge the imagination. A fulfillment of its promise will provide real impetus. Maxie, with the heightened hopes created by the Black Warrior Basin in the north central section—hopes daily being more and more realized—may be and reasonably can be the forerunner of a great new surge of development.

But the story of oil is not the only story, although unquestionably more in the public eye and fancy. There is a deeper story, one with as much social and economic impact. The fantastic growth of the natural gas industry in this state, though less known, is nonetheless an amazing one. Its history goes back beyond 1939, commencing in the Amory Field in 1926. It has its roots in Mississippi, but it has its growth in the resources of other states, principally our neighbors, Louisiana and Texas. In 1927 the first natural gas pipe line was constructed in this state for the purpose of transporting gas from the Amory Field to serve Tupelo, Aberdeen and Amory. This was Mississippi gas, being served to Mississippi towns. Shortly, however, we were to see the huge gas fields in north Louisiana affect our state. With the Memphis market as an anchor, a new pipe line was laid from the north Louisiana gas fields through the Delta entering our state at Greenville and going on to Memphis.[3] The many Delta towns along its line received their first supply of natural gas from this source. By 1929 Natchez began to consume natural gas off a line from the same north Louisiana gas fields, running to Baton Rouge, Louisiana. Another natural gas pipe line, extending from the gas fields of Louisiana to Birmingham and Atlanta, was laid by Southern Natural Gas Company across the central part of the state, and by the early part of 1930 gas service became available to twenty-two Mississippi towns and communities from that line, including Vicksburg, Yazoo City, Durant, Kosciusko, Louisville, West Point, Starkville, Columbus and Meridian.

The second phase of the development of natural gas service in Mississippi began on February 15, 1930, with the discovery of the Jackson Gas Field in Hinds and Rankin Counties. Seeking to market this valuable resource, a pipeline was built down U.S. Highway 51 as far south as Magnolia. Another line was laid to Hattiesburg and service was inaugurated along a second line which terminated at Mobile and Pensacola. This latter line had been built originally to take Louisiana gas from Southern Natural's gas line near Benton, Mississippi, but it was tied into the Jackson Field instead.[4]

Thus, by the end of 1934 there were sixty-eight towns and communities of Mississippi realizing the benefits of natural gas. By 1940 the Amory Field had been abandoned. The supply from the Jackson Field was steadily diminishing, while the demand was constantly increasing. An eighteen-inch line was run from Monroe, Louisiana, to Jackson, and

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[3]Constructed in 1929 by the Memphis Natural Gas Co., and later absorbed into the Texas Gas Transmission system.

[4]Built by United Gas Pipe Line Company.

for the next several years all of the gas consumed in Mississippi came from her neighboring states of Louisiana and Texas.

During the war years a line was laid across the coastal area from the south Louisiana gas fields and the entire coastal area, including the giant Keesler military installation at Biloxi, became adequately served for the first time. Natural gas service to Keesler was no doubt a major contributing factor in making it a permanent Air Force Technical Training School.

Mississippi's gas again emerged on the scene with the development of Gwinville in Jefferson Davis County. Its hydrocarbons began to pour into United Gas Pipeline Company's lines, and that company began to transmit gas to additional cities and towns. In order to serve nine central Mississippi towns United Gas constructed a line from a point near Jackson along U. S. Highway 80 to Newton and from there on to Philadelphia. Southern Natural Gas Company laid a line from Gwinville to connect up with its system at Pickens. Interstate Natural Gas Company connected the Carthage Point Field in Adams County with its lines near Natchez. In 1949 United Gas, in order to provide fuel to an area that was far removed from its own tranmission lines, arranged to purchase gas from the Tennessee Gas Transmission Company, whose line runs through the northern part of Mississippi carrying gas from fields in Louisiana and Texas to large markets in the North and East. By building lateral pipe lines and distribution systems, United Gas brought supplies to fifteen northern Mississippi towns. Also in 1949 United Gas furnished the first market for gas produced from the Baxterville Field in Lamar and Marion Counties by completing a line to a point near Mobile, and also connecting up four more Mississippi towns.

So the story has been over the succeeding years, until today our state is crisscrossed with pipe lines reaching all sections and our landscape dotted with microwave towers and compressor stations. Practically every community can offer a prospective industry competitive domestic, commercial and industrial gas rates, a highly important item in inducing locations. It is interesting to note that in point of service, above 83 per cent of our towns of 1500 population and over are connected to pipe lines. There are only five states in the nation ahead of us in this respect and in the South we are in fourth place, immediately behind Oklahoma, with every indication that we shall soon leap ahead of her.

Our history has been and will continue to be tied in with Louisiana and Texas. Through 1950, 69 per cent of the natural gas consumed by us came from these states. Though we are now producing more than we are consuming, nevertheless geographic and other considerations will impel a continued substantial use of Texas and Louisiana gas. Tied in with their tremendous reserves, we can offer many inducements to the growing petrochemical industry. At the end of 1951 Mississippi's known gas reserves were approximately 2.4 trillion cubic feet, while Louisiana's reserves were 29 trillion and Texas 105.6 trillion cubic feet. At Yazoo City the Mississippi Chemical Company, using natural gas (mostly originating in Louisiana and Texas), water and air, is turning out much

needed fertilizer. In Vicksburg a similar plant being constructed by the Spencer Chemical Company is based on these combined reserves.

The growth and importance of the natural gas industry to the state can quickly be grasped by a simple reference to the ad valorem assessment figures. The 1952 ad valorem assessments by the State Tax Commission total over $223 million for ten types of public service corporations. This is over one-fifth of the total state assessment of an estimated one billion dollars. Pipe lines were the last public service corporation to begin operations in the state, but they now have the largest ad valorem assessment. For the first time pipe lines, including oil, gas transmission and distribution lines, have passed even the railroads. The 1952 comparison is $74 million for the pipe lines against $72 million for the railroads and $50 million for electric utilities. Present and contemplated pipe line construction will widen this gap even more in the future. Pipe line companies already pay well over one-fourth of all public service corporation ad valorem taxes. In Washington County, where no oil or gas has been discovered, the Mississippi Blue Book shows that the total assessed valuation in 1950 was $34,662,813.00. In 1952 the assessed valuation in that county alone of pipe lines was $5,268,564.00.

The legal repercussions from the social and economic impact of oil and gas on the state have been many and varied. Time and space will not permit me to treat them in detail. Only in broad outline and in retrospect can we view in proper correlation the developments in the areas of taxation, conservation, regulation and general law.

In the field of taxation it soon became obvious that a new and different problem had arisen on the horizon, requiring a totally different concept and approach. The practical difficulty of evaluating speculative and highly fluctuating underground conditions for ad valorem tax purposes impelled the legislature to seek some reasonable solution. There was then evolved, in 1944, our system of lieu tax on producing oil and gas properties, whereby a percentage of the value of the oil produced was taxed and an exemption granted from all ad valorem taxes. Constitutional questions naturally arose, resulting in our Supreme Court re-examining our constitution in the light of present-day conditions, and holding the tax valid.[5] With this problem solved, there then remained the discouraging and intricate problem of the assessment of oil, gas and mineral leases and mineral estates, where production had not been obtained. Technically speaking, there were no legal problems. Nonetheless, considerable confusion was engendered throughout the taxing districts due to the inability to evaluate such leases and mineral rights from the standpoint of such taxation and the reluctance to expend much effort for small monetary returns. It was obvious that the taxing authorities could not cope with the situation, and inconsistency and confusion reigned. Here again the ingenuity of our lawmakers came to the fore, and, once more, the lieu tax device was used—this time combined with certain features of the stamp tax—so that today, non-producing mineral estates can be exempt from ad valor-

[5]Gulf Refining Co. v. Stone, 197 Miss. 713, 21 So.2d 19 (1945).

em taxes by the payment of a documentary stamp.[6] Constitutional questions were allayed by the Supreme Court in a test case.[7] As a result, Mississippi has a modern, simplified, practical system of taxation for oil and gas and, by many, is considered to be the leader in the nation in this regard.

As can be seen from the brief history summarized heretofore, the real need for conservation and regulation did not develop until the middle 40's. When the industry was small, our conservation beginnings were in keeping with our production. Originally, the official guidance was entrusted to the high officials of our state—the Governor, the Attorney General and the Land Commissioner, assisted by a Governor-appointed Oil and Gas Supervisor.[8] By the end of 1947 all question of the extent of our gas and oil had been sufficiently answered. We were then producing 3½ million barrels of oil and condensate, together with over 3 million cubic feet of gas, per month. Recognizing that the time had come to take further steps, the Legislature in 1948 enacted what is popularly known as House Bill 80.[9] This Conservation Act, with a few amendments, has stood the test of time. Undoubtedly, as the years pass, additional improvements will suggest themselves and be added.[10]

The intent and purpose of the law is to permit each pool in the state to be produced up to its maximum efficient rate of production, subject to the prohibition of waste and the co-equal rights of the owners. The administration of this intent is lodged in a State Oil and Gas Board composed of five members, three of whom are appointed by the Governor, one by the Lieutenant Governor, and one by the Attorney General.[11]

Since the compensation paid the Board members—who cannot be associated with the oil and gas industry in any manner—does not actually reimburse them for the time and effort spent, service on the Board has been a matter of public pride. As a result the Board consists of men of the highest calibre, consciously fulfilling a public trust and sensitive to the needs and interests of the public, the landowner, the independent and the major oil and gas companies. It is interesting to our profession to note that four of the present five men on the Board are members of the Bar.[12] They deserve much credit for a fair and impartial administration which has earned for our state a general reputation through the industry for integrity and devotion to the duties of the office.

The State Oil and Gas Board has continued to keep abreast of its problems and constantly strives to improve its functions. It operates under a recently overhauled set of rules of procedure and Statewide and

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[6]Miss. Laws 1946, c. 409.
[7]Mississippi Power & Light Co. v. Love, 201 Miss. 676, 27 So.2d 850 (1946).
[8]Miss. Laws 1932, c. 117.
[9]Miss. Laws 1948, c. 256.
[10]The obvious present need is for a workable method to enforce fieldwide unitization where voluntarily desired by the large majority.
[11]Miss. Laws 1950, c. 213, 220.
[12]James McClure of Sardis, Chairman; W. H. Maynard of Clarksdale, Vice Chairman; George Ethridge of Meridian; Joseph Dale of Prentiss; W. C. Leonard of Kosciusko, who is the lay member.

Special Field Rules and Regulations to which great care and attention has been given.[13] By these rules prompt action is afforded for the ordinary routine item with a minimum of personal presentation required. On the other hand, many of the evils of bureaucracy have been eliminated in those cases where vital property rights are involved in a contest. The Board then sits as judge and jury and holds the introduction of evidence to the commonly accepted rules of law, eliminating all rumor, speculation and hearsay. In the writer's judgment they have struck a fine balance between a necessary amount of autocracy and freedom of contest.

There have been many decisions of our Supreme Court which have flowed from the expansion of the industry. Most of the cases, while concerned with oil and gas rights, were and are predicated upon general and commonly accepted principles of real property and commercial law. It would serve no useful purpose here to make reference to them. There are some opinions of our court, however, which constitute milestones in our legal history of oil and gas.

While the writer is fully in accord with the view of Professor Summers[14] that too much emphasis is laid on the use of analogous restrictive legal principles, nonetheless, the series of cases[15] holding that minerals, including oil and gas in place, may be owned separately from the soil in which they are embedded, must be considered of major influence and importance. Of equal moment is the decision in *Cook v. Farley,*[16] holding that adverse possession of the surface even with color of title to the whole, will not ripen into title to the minerals. Actual possession of the subsurface is the minimum thus required.

One of the truly significant conflicts weighed and decided by our Supreme Court involved the development of sixteenth section lands. After an adverse decision in *Gulf Refining Co. v. Terry,* 163 Miss. 869, 142 So. 457 (1932), the state instituted a suit in the Chancery Court of Madison County seeking approval of a sixteenth section oil and gas lease, although a ninety-nine year agricultural lease was then in force. The Honorable M. B. Montgomery, then serving as Chancellor, in one of the finest opinions written in our lower courts, respectfully declined to follow *Gulf Refining Co. v. Terry,* and held in favor of the validity and effectiveness of the lease. He was upheld by our court of last resort in an exhaustive and convincing opinion written by Chief Justice McGehee.[17] The beneficial

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[13]Docket #132-51, Order #201-51, effective January 1, 1952.

[14]"Perhaps sometime courts and legislatures will recognize the fact that oil and gas leases are different from other forms of contract and conveyances, and that the interests created by them cannot be properly classified under common interests in property, and will speak of such interests as the interest of an oil and gas lessee, as most of them now speak of a mortgagee's interest, after centuries of trying to call it something else." I SUMMERS, OIL & GAS 384 (perm. ed.).

[15]Gulf Refining Co. v. Sandford, 202 Miss. 602, 30 So.2d 516 (1947); Pace v. State *ex rel.* Rice, 191 Miss. 780, 4 So.2d 270 (1941); Liverpool & London & Globe Ins. Co. v. Delaney, 190 Miss. 404, 200 So. 440 (1941); Stokely v. State *ex rel.* Knox, 149 Miss. 435, 115 So. 563 (1928); Stern v. Great Southern Land Co., 148 Miss. 649, 114 So. 739 (1927); Moss v. Jourdan, 129 Miss. 498, 92 So. 689 (1922).

[16]195 Miss. 638, 15 So.2d 352 (1943).

[17]Pace v. State *ex rel.* Rice, 191 Miss. 780, 4 So.2d 270 (1941).

social and economic effect thereof cannot be fully measured, even at this date.

Another case of distinction and value is that of *California Co. v. State Oil & Gas Board.*[18] While its holding that the granting of an exception to the spacing rules by the State Oil and Gas Board was at least a quasi-legislative action is of considerable moment, its true value lies in the fact that the Conservation Act in its entirety was in jeopardy. It lay within the power of the Supreme Court to uphold or to destroy the Board. By its careful interpretation, the function of the Board was preserved and the interests of the public have continued to be protected.

In addition to its power to adopt general rules and regulations, one of the larger and more prominent functions of the Oil and Gas Board is to fix a spacing pattern for the protection of correlative rights of the various owners (as well as to prevent waste) and, as an essential element thereof, to forcibly integrate these rights. This authority to forcibly integrate met with a sharp series of attacks, culminating in a group of opinions upholding the constitutionality of the power and, in general, enforcing the various decisions of the Board.[19] It is reasonable to anticipate that the exercise of this authority will no longer be challenged and that this issue has finally been laid to rest. A contrary holding by our Supreme Court would have had a marked adverse effect on orderly conservation.

No effort to discuss the milestones in the legal history of oil and gas would be complete without a review of the background and the opinions in *Griffith v. Gulf Refining Co.,*[20] and *Trust v. Proctor.*[21] Although our

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[18]200 Miss. 824, 27 So.2d 542, *suggestion of error overruled,* 200 Miss. 824, 28 So.2d 120 (1946). A companion case with the same title was stated in a memorandum opinion to be controlled by the principles announced in the preceding case. 200 Miss. 849, 27 So. 2d 548, *suggestion of error overruled,* 200 Miss. 849, 28 So.2d 121 (1946).

[19]Humble Oil Co. v. Hutchins, 64 So.2d 733 (Miss. 1953); Humble Oil Co. v. Welborn, 62 So. 2d 211 (Miss. 1953); Superior Oil Co. v. Beery, 63 So.2d 115, *suggestion of error overruled,* 64 So.2d 357 (Miss. 1953); Superior Oil Co. v. Foote, 63 So.2d 137, *suggestion of error overuled,* 64 So.2d 355 (Miss. 1953); Superior Oil Co. v. Beery, 59 So.2d 689 (Miss. 1952); Superior Oil Co. v. Morgan, 59 So.2d 105 (Miss. 1952); Superior Oil Co. v. Griffith, 214 Miss. 891, 59 So.2d 104, *suggestion of error overruled,* 214 Miss. 891, 60 So.2d 505 (1952); Hutchins v. Humble Oil Co., 59 So.2d 103 (Miss. 1952); Green v. Superior Oil Co., 59 So.2d 100 (Miss. 1952); Superior Oil Co. v. Foote, 214 Miss. 857, 59 So.2d 85, *suggestion of error overruled,* 214 Miss. 890, 59 So.2d 844 (1952).

[20]60 So.2d 518, *suggestion of error overruled,* 61 So.2d 306 (Miss. 1953). Stating the facts in simplified form, *X,* the owner of 250 acres of land, executed an oil and gas lease to Gulf. Thereafter, he conveyed by deed in fee simple and without reference to the lease, a specified tract to his son. Gulf, as it had the perfect right to do, drilled its well on that part of the tract retained by the father, after first designating the unit, said unit including the son's land. The question then arose as to who should receive the royalty, the son or the father? On the one hand is the theory that the son should have provided affirmatively in his deed as a matter of contract that he was to share in the proceeds from the then existing lease. On the other is the theory, adopted by our court, that the son's property was used to create the full measure of acreage in the unit and he must receive the benefits therefrom. Had the court held otherwise, a farmer could unwittingly convey all of his royalty on a 360 acre tract by a royalty conveyance under a four acre part thereof. Superior knowledge and experience of the initiated would have been fatal to the average landowner.

[21]60 So.2d 551 (Miss. 1953). Prior to House Bill 80, but while the Board had the authority to fix spacing unity but not require forced integration, Hunt, who

Supreme Court has always evidenced considerable respect for the Texas courts and is noticibly and properly influenced thereby, in these cases it demonstrated its ability and its independence when precedent violated its sense of justice and its concept of fairness and law. It refused to follow the harsh rule laid down in *Japhet v. McRae,*[22] which had been concurred in by a long line of cases in other jurisdictions.

Were it not for the fact that the merit of the controversy still is in process of trial, comment would be made on the very important case of *Millette v. Phillips Petroleum Co.*[23] Phillips held leases on adjoining tracts. It had drilled one tract but declined to drill the other on the basis that such would not be commercially profitable. At the same time, it contended that it was relieved from drilling during the primary term (which had not expired, delay rentals being paid and accepted) by virtue of a clause in the lease: "In the event a well . . . producing oil . . . (is) . . . brought in . . . within 150 feet of and draining the leased premises . . . lessee agrees to drill. . . ." Demurrer was interposed to the lessor's bill of complaint. The Supreme Court held that good husbandry demanded protection from drainage, overruled the demurrer and sent the case back to the Chancery Court for the determination of damages, if any. Trial in the lower court resulted in a finding in favor of lessor for damages and an appeal is in process.

While the writer well realizes that many other cases could be considered of sufficient significance to be included herein, in retrospect, in his judgment, the only other decision of economic and social influence is that of *Stone v. Sample.*[24] Sample was a married citizen of Louisiana and had acquired oil and gas interests in Mississippi with community property funds. Title stood in his name alone. He insisted that his wife's interest should be recognized for income tax purposes. The court held that a resultant trust existed and should be recognized, pointing out that bona fide purchasers should be protected in the same manner as they are against any other type of undisclosed interest. The court's reasoning should have a controlling effect on other phases, such as inheritance taxes.

Unquestionably, the future of the industry holds many surprises for us. We can surmise that the time will come when the vast, thick sands of south Mississippi will yield great reserves; when deep drilling will continue Adams County as one of our leading producing areas; when the Smackover will be conquered; when the promise of the good sand conditions known to exist in north Mississippi will be found to contain oil; when a shore line field akin to East Texas and Delhi will be discovered

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claimed title to a 40-acre tract in the Heidelberg Field—where 40 acre spacing had been ruled—filed an application and obtained from the Board the authority to drill in the center of the 40. At the time, the title to the leasehold estate in the south 10 acres, as well as to the entire fee simple title, was in dispute between Hunt and Proctor. Hunt's well was drilled on the north 30 acres. Claiming that he could not be forced to integrate, Hunt claimed all of the oil. The court held that Proctor was entitled to ¼, less ¼ of the costs of drilling and developing.

[22]276 S.W. 669 (Tex. 1925).

[23]209 Miss. 687, 48 So.2d 344 (1950).

[24]62 So.2d 507 (Miss. 1953).

in our state. Perhaps none of these will occur and, instead, the unexpected will startle us with equal effect. Certainly, from every standpoint, whether it be social, economic or legal, the future will be interesting and will bring many challenges to the Bench and Bar.

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Upon motion from the floor, Mr. Brunini was given a standing vote of thanks from the convention in appreciation of his address.

President Snow then requested Mr. P. H. Eager, Jr. of Jackson to introduce the next speaker, Mr. Alvin R. Christovich of New Orleans. Mr. Christovich delivered the following address:

## THE CHANGING STATUS OF THE COURTHOUSE LAWYER

*Alvin R. Christovich**

Historically, the lawyer has occupied a distinctive position in the legal profession. More and more he has been compared with the surgeon in the medical field, the infantryman in the military field. His is the duty to hammer out the laws of our state and nation upon the anvil of judicial interpretation so that their pattern of true intent might be forged. He has occupied a status in his profession, a status which I submit is changing.

Who does not recall the classic trial lawyer of the years gone by as he stood before the jury and so vehemently plead the cause of his injured plaintiff-client. In my own mind's eye I can see again one who never failed to impress me when, as a child, I popped into a court room whenever possible. Resourceful, dramatic, he was an adversary to be reckoned with, an advocate who brought strength and conviction to his cause. As he addressed the jury he had their undivided attention. His voice now stern, now soft, he summarized the case and argued the righteousness of his client's position. Occasionally he interspersed his serious summing-up with a little light joke which could not offend the court; occasionally he would quote appropriate poetry; little homey anecdotes never failed to get him close and friendly to the jury; and when he felt he had the jury marching hand in hand with him he would explode into a destructive attack upon his opponent's position. Then came the peroration and the appeal, a beautiful sight to behold. He had perfected a gesture, a wondrous rhythm of motion. Made with the right hand, it began at the floor, slowly ascended in a vertical line above head, and ended in a crescendo of eloquence as high as the arm could be extended with the body on tiptoes. Many times during the argument would he use this artistic yet emphatic tool. Most effective was it when he paused at the top of his upswing and gracefully allowed his hand to tremble. And when he combined his resonant voice with one of those gestures ending in a significant and awe inspiring tremble, he was magnificent, unbeatable.

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*Christovich & Kearney, New Orleans, Louisiana. President of the International Association of Insurance Counsel.

My greatest ambition was to emulate him. I could hardly wait until I could secure a diploma, a license and a certificate which would allow me to face a jury. For hours I practiced his remarkable gesture. I tried to get perfect control of the upward swing, and precision of movement. I practiced the tremolo before a mirror. I was emboldened to believe I might even have a chance of bettering the effect of the tremolo because I was so tall and skinny.

But, alas and alack, life is full of disappointments. After I had finished college, and after hours of practice had convinced me that I was ready to emulate every action of my ideal in stature, voice, gesture and other demeanor before a jury, I settled down to practice in a non-jury state! I say a non-jury state, which is not exactly accurate. We do have a few jury cases in my state and, of course, we try jury cases in the federal court. A few times I have tried some of my ideal's tactics. Particularly have I tried that magnificent gesture, but—well, I don't know. Whenever I start it from the bottom of the floor I invariably find the jury looking over the rail to see if I have dropped something. And the only response I seem to get when high over their heads I reach the pinnacle of my swing, the crescendo—tremolo—of the gesture, is a cold and fishy stare. Maybe the composition of juries has changed, maybe it is because I'm usually gesturing for defendant insurance companies or other corporate defendants, or maybe the emotions of the jurors have become hardened. In any event I have signally failed to get the same results.

May I suggest seriously that one of the great changes that has occurred to trial or court house lawyers as a rule is a tapering-off of the aura of dramatics usually associated with them. I believe you will agree with me that, as of today, most of the elements which set the stage in a trial for dramatic display have been eliminated. I do not mean to say that there is not still available, particularly in jury trials, times and places where they are of forceful, skilled and persuasive argument is necessary. But more and more the trial lawyer has become a patient plodder, a procurer and developer of facts and a supplier of the law fitting the facts.

New adjective law, new procedural rules, new discovery procedure, has eliminated the element of surprise and has reduced, in large measure, the trial of a factual case to a mechanical exposition of evidence. I do not mean to suggest that less skill is needed. In truth, it is the opposite. No longer may a trial lawyer rely too far on his own dominant personality and a personal technique resulting from years of experience. Our new technical trial procedures, the attitude of the courts, the more informed and experienced jurors, have had a part in this.

I think we will all agree that there is no group of men in any profession or line of endeavor who have produced a better crop of peptic and nervous ulcers over the years than the trial lawyer group. And today, with the increased tension which comes from all of the new trial procedures and techniques and the increased business of the courts, these ulcers are becoming increasingly prolific and increasingly large.

I think the majority of the older and more experienced court house or trial lawyers will testify to a change of status which has necessarily

resulted from the application of a new concept of trial technique designed to speed up trials, take out the element of surprise, and secure substantial justice in an easier and more orderly fashion. Whether the modern method has accomplished this end is a matter of lively debate and discussion. Let us make a comparison.

In the old days an attorney for complainant carefully prepared his complaint; sufficiently comprehensive to get him into court, and embracing all of the sacramental averments to keep him there. If it was a factual case, he marshalled his facts, briefed the applicable law, familiarized himself with the evidence he proposed to introduce, and formulated a plan of trial tactics designed to clearly reveal, demonstrate and prove the righteousness of his cause. His adversary was trained to carefully scrutinize the complaint, test it for fatal flaws through the media of motions, demurrers or exceptions, insist upon a specific declaration of actionable grounds to prevent time consuming and annoying expeditions into immaterial and extraneous byways, and finally force an exposition of a clean cut issue against which he was to defend. Having done that, he too prepared his facts, his law and his trial tactics. Finally came trial day, sometimes with dramatic overtones, sometimes with vivid and moving appeal. But concisely and with continuity, and with finality at least as far as trial court was concerned, the job was done, for better or for worse. Then followed verdict and judgment.

Now let us look at the situation which confronts the trial practitioners today, under the new rules of procedure and discovery in our federal and many of our state courts. A brief and sketchy complaint gets a party into court. Gone for all practical purposes are the demurrers and exceptions. A relaxation of the rules of pleading has attended to that. A motion for a bill of particulars, particularly in the federal courts, will most likely be met with an admonition from the court to the mover to get out his bicycle and discover. There begins the rat race. Interrogatories start flying, hundreds of them. Each adversary tries to outdo the other. Requests for admission follow. Then comes discovery depositions and high reporting costs, and train trips and plane trips. More often as not, each discovery deposition may entail new motions in court for restriction of testimony and protection of the parties. Trials develop within trials. Pre-trial conferences are called and many times, as a result thereof, new inspections are called for, new examinations, more discovery. And all the while the peptic ulcers blossom and grow. Finally one day, with volumes of admissions, answers to interrogatories and discovery testimony in hand, the trial begins. Gone is the electric suspense which precedes the confrontation of witnesses; gone is the element of surprise; gone to a large extent is the art of cross-examination. The novelty and the freshness of conflict is gone. The battle ground reeks with the odor of old powder smoke from previous battle as the advocates settle down to a rhythmic and mechanical exhibition of facts which have been hashed and rehashed by discovery on previous occasions.

Is this new trial procedure good, or is it bad? I do not try to answer that completely. My purpose is only to show that it has wrought a change in the status of the court house lawyer. But if I was pressed for answer

I would give an admittedly uninformative one—much of it is good, perhaps some of it bad. I have chosen to speak somewhat facetiously of the modern trial technique, yet I would seriously admit that much of it is helpful and perhaps on the whole more nearly insures the final dispensation of justice than former trial techniques. But the monetary cost, the wear and tear and the tension is substantial. And because of our modern trends in procedural law, because of the increased tension under which he works, because of crowded dockets, because of the merry-go-round on which he labors, will you not agree with me that the work of the court house lawyer is more onerous than it has ever been before? And that in itself is another change in his status.

There is another change about which I should speak. Perhaps there is no greater satisfaction which comes to the lawyer than to be able to advise a client, or inform himself in preparation for trial, with conviction, that thus and so is the law. But careful, my brethren, be not too sure. What was the law yesterday may not be the law today. Liberal ideologies, so-called equitable approaches and practical solutions have a habit of changing fast the jurisprudence. The complexities of our twentieth century civilization, the increased business of our courts, and sometimes the ponderous thinking of our intellectuals might account for the rapid changes. In the old days the practitioner might well believe that he was fairly secure in his evaluation of the underlying principle of law. In his unhurried way he had the opportunity to find it out and once found, it remained captured in his knowledge. But in the rapid changes which confront us today many principles of law do not remain imprisoned for long. They escape bondage and, shedding prison garb, turn up in new and unrecognizable clothing.

And so the status of the court house lawyer has changed in many respects. The glamour and the drama surrounding the stage on which he plays is diminishing. His task has become increasingly onerous, his blood pressure higher, his ulcers more fertile. And yet he still remains the artisan who provokes the interpretation of our laws and assists at the birth of jurisprudence which must settle our every day conflicts. He regards with high esteem the more affluent members of his profession who, in the privacy of their sumptuous office surroundings, dispense counsel and advice so that trial counsel services might never be used. But he would not swap places with them.

He is still the patient advocate. He likes being on the firing line. Around him still swirls the interest and excitement and enchantment of the law suit at its trial stage. He rubs shoulders with the litigants, the witnesses, the judges, the jurors. In short, he is truly the court house lawyer, a distinctive personality who has contributed much to our profession, both to its dignity and to its traditions and folklore.

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At this time President Snow called for the Report of the Corporate Affairs Committee.[1] This report was presented by Mr. Dugas Shands of Jackson and was adopted by the convention.

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[1]All committee reports will be found in Appendix A.

Mr. Shelby R. Rogers of Jackson gave the report of the Complaint Commissioner.

As Chairman, Mr. Cage Brewer of Clarksdale presented the Report of the Resolutions Committee. Upon motion these resolutions were adopted by the convention.

Mr. M. E. Ward of Vicksburg presented two suggestions for changes in the By-Laws of the Mississippi State Bar. The first suggestion recommended the amendment of Section II, paragraph 7 of the By-Laws, entitled "Secretary-Treasurer", to read as follows:

> "Before discharging the duties of his office the encumbent shall execute a bond with good and sufficient sureties to be approved by the president, payable to the president and his successors in office, in the sum of $10,000.00 for the use of the State Bar and conditioned that he will well and faithfully perform the duties of his office so long as he discharges any of the duties thereof. The premium on said bond, if any, shall be paid out of the funds of the State Bar."

This section had previously required a bond in the amount of $3,000.00. The adoption of the amendment was moved and seconded, and was approved by a unanimous vote of the convention.

The second proposed amendment reads as follows:

> "The Commissioners of the Mississippi State Bar shall designate the place of the Annual Meeting to be held about the middle of June of each year at a date to be announced by the president of the association."

The second proposed amendment to the By-Laws failed on a vote of the convention.

Mr. Kelly Hammond moved the adoption of a resolution to express the appreciation of the Association to the Buena Vista Hotel and its management, particularly Jimmy Love, and to the Harrison County Bar for the hospitality extended during the convention. This resolution was unanimously adopted by a standing vote.

The next order of business was the election of officers. Mr. Jerome Hafter of Greenville was elected the next president of the Bar Association, following his nomination by Mr. Phil Stone of Oxford. Dean Robert J. Farley of Oxford was nominated for the office of first vice-president by Mr. Brinkley Morton of Senatobia, and was the unanimous choice of the convention. Mr. Lampkin Butts of Laurel, speaking for the Junior Bar Section, nominated Mr. Robert G. Nichols of Jackson for second vice-president, and Mr. Nichols was unanimously elected.

The convention then chose the site of the 1954 convention as the Mississippi Coast, with the power delegated to the Commissioners to select the hotel headquarters.

The elections of commissioners by the individual groups from each district showed the following results:

District 1—W. C. Sweat, Sr., Corinth
District 2—William G. Hewes, Gulfport
District 3—Robert B. Smith, Ripley
District 4—Oscar B. Townsend, Indianola
District 5—Clarence E. Morgan, Jr., Kosciusko
District 6—H. B. (Mayes) McGehee, Meadville
District 7—Robert E. Perry, Jackson
District 8—Osborn G. Idom, Forest
District 9—James P. Biedenharn, Vicksburg
District 10—Harold M. Bailey, Meridian
District 11—J. C. Feduccia, Cleveland
District 12—W. A. Beard, Jr., Laurel
District 13—R. C. Russell, Magee
District 14—Martin McLendon, Magnolia
District 15—Jesse Shanks, Purvis
District 16—H. T. Carter, Columbus
District 17—Herbert M. Fant, Sardis

The Forty-Eighth Annual Meeting of the Mississippi State Bar then adjourned sine die.

## PROCEEDINGS OF THE SEVENTEENTH ANNUAL MEETING OF THE

# JUNIOR BAR SECTION

### Held at Biloxi, Mississippi on the 18th of June, 1953

The Seventeenth Annual Meeting of the Junior Bar Section was called to order at 2:00 P.M., June 18, 1953, in the Buena Vista Hotel in Biloxi by Mr. Robert G. Nichols, President of the Junior Bar Section.

The invocation was delivered by the Reverend Hoffman Harris.

An address of welcome was delivered by Mr. Owen Palmer of Gulfport, and was responded to by Mr. W. E. McIntyre, Jr. of Brandon.

The first order of business was the consideration of the various committee reports.[1] The Report of the Junior Bar Committee on the Unauthorized Practice of Law was presented by Mr. Brinkley Morton of Senatobia, and was adopted by the convention. The convention then adopted the Report of the Legislative Committee presented by Mr. Joseph E. Wroten of Greenville, and the Report of the Code Study Committee presented by Mr. Ernest W. Graves of Laurel.

President Nichols introduced the next speaker, Mr. Phil Stone of Oxford. Mr. Stone delivered the following address:

## ETHICS

*Phil Stone**

Whenever anyone wants a talk about ethics, have you noticed that they always get an old lawyer to talk about ethics. I think perhaps there is a reason for that. Sometimes when I hear some of my contemporaries hold forth at length sternly and strictly about ethics, it reminds me of the quatrain that was frequently quoted by the late Senator Theodore G. Bilbo:

> "King Soloman and King David lead very merry, merry lives
> With many, many concubines and very many wives,
> But when old age came on and brought along its qualms,
> King Soloman wrote the proverbs and King David wrote the psalms."

Now it is sometimes said ethics is the mechanism old lawyers use to prevent young lawyers from getting fees. Now that is not all quip; there is a lot of truth in that, very much truth. In fact, it is a little strange to me to talk about ethics at all. I wonder why we have courses on them; it seems to me it can all be found in the Ten Commandments and the Golden

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[1]All committee reports will be found in Appendix A.

*James Stone & Sons, Oxford, Mississippi.

Rule, and I think all of you know you ought not to steal your clients' money or your fellow lawyers'. So I decided I would take a little time to tell you how you might make money in spite of ethics.

I do think the first thing you can do, of course, is do your work well. We pass that over; we know that. But one thing especially you can do is cultivate your brother lawyer. I can take my books for the past twenty years and show you every year 25 to 40 per cent of the money I have taken in has come from being associated with other lawyers. Cultivate some lawyer, he may not be much lawyer to you but he is a lawyer in his home town. Treat him with some courtesy, some deference, some politeness. There may be people who know him and, just because he can go out to J. P. Court and holler loud and clear and his client is not convicted of stealing a pig, they don't know that doesn't qualify him to be an expert on wills or trusts. So those fellows simply get the lawsuits and sometimes they do what they should do and get them a good lawyer.

The next thing I would say is to cultivate the officers of the courts. It will surprise you how much that will benefit you. He feels a little inferior to you because you are a member of the bar. A mere absent mindedness or neglect in speaking to them, a thing like that, will fasten in his mind that he is inferior to you. Treat him with courtesy, like another lawyer. Go in, speak to him; if you can help him any way, help him. Especially in the Chancery Clerk's Office, one thing that makes great friends, is putting back any book you may take down. It will please your Chancery Clerk tremedously, and he can help you a great deal. He might send you clients; if he is in another county and you go to try a case, knowing nothing about the jurors, you can go to the clerk. It may mean winning a damage suit.

Above all, get their costs when you go in to file a lawsuit. If you have to dig in your pocket, pay those costs. Whenever you see the sheriff's and clerk's costs are paid, they are going to welcome you back with a smile and help you as far as they can.

Now we get down to the main part of the thing, which is ethics. When we talk about ethics, what the older lawyers are generally talking about is preventing the younger lawyers from doing what the senior lawyers do in other ways—advertising. You have three ways, it seems to me. One, possibly, is not very practical in Mississippi except in larger towns. First of these is legal aid, which is a public service and gets you before the public. I understand it is working well in Jackson. Mr. Reginal H. Smith of Boston, one of the great men of the Bar Association and one of the great lawyers of the United States, has devoted a tremendous amount of time to it. It gives the young man a chance, an opportunity to get before the public.

Second is an organized movement in the American Bar Association, that reaches to a class of client, not indigent, but people of limited means who are able to pay some kind of fee. Here the young lawyers can serve the public, get a good deal of experience and take fees without violating the code of ethics.

The third and last thing, which seems to me is greatly important, is advertising. Balzac said that the nineteenth century was the century of advertising, and the twentieth century undoubtedly is the century of adverising. There are ways we can do it that will benefit the young lawyers without violating ethics. That is done through the work your Public Relations Committee is doing. You can get banks, law book publishers, and others to tell people why they should have a will, and other things that a lawyer can do for them. You will be surprised how much business it brings in. This will benefit all of us and all of you, and I think along those lines something ought to be done. The main, concluding thing is it ought to be done. Thank you very much.

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At this time President Nichols called for the reports on the various institutes and conferences held within the state for the continuation of legal education. Mr. E. Ray Edwards of Jackson reported on the Seventh Annual Law Institute held at Jackson. Mr. Charles B. Henley of Jackson announced that the next program, to be held at the Robert E. Lee Hotel December 11, 12, 1953, would include discussions of such matters as the new financial responsibility law, contribution between joint tortfeasors, the new counterclaim statute, and workmen's compensation.

Mr. Tom Ott of Hattiesburg reported on the Third Annual Lawyers' and Certified Public Accountants' Tax Institute held at Mississippi Southern College in Hattiesburg, followed by Mr. Harold G. Wren of the University, who reported on the Estate Planning Conference held at the University of Mississippi. All three reports were adopted by the convention.

President Nichols then called for the Report of the Executive Committee, which was presented by Mr. William O. Luckett of Clarksdale and adopted by the convention.[1]

At this time President Nichols gave his report on the activities of the Junior Bar Section for the preceding year.

## REPORT OF THE PRESIDENT OF THE JUNIOR BAR SECTION

*Robert G. Nichols, Jr.**

Your Junior Bar Section, acting through its committees, officers and local organizations, has been very active during the preceding year.

A public relations and information committee was appointed and allotted the sum of One Hundred Dollars ($100.00) for its expense. This committee far exceeded our expectations, and, as will be seen by its report, well deserves to be continued.

A "Complainant Commissioner" was appointed to study, recommend and report on the existing conditions as concerns professional ethics among the younger members of the Bar.

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[1]All committee reports will be found in Appendix A.
*Jackson, Mississippi.

Your Junior Bar Section has assisted the Co-Ordinating Committee of the Mississippi State Bar in requesting of the District Commissioner that an Appellate Division of the Bureau of Internal Revenue be established in Jackson.

Your Junior Bar Section has made a statistical Survey of the legal profession in Mississippi. To our knowledge, this is the first time this had been done. Whereas, some glaring errors were made in certain figures dealing with certain counties of the State, it is believed that such errors can be eliminated and that the survey should be continued as a yearly project.

The Junior Bar Section has attempted to promote the American Bar Association with the younger lawyers. By way of trying to tie Mississippi in more closely with the activities of the Junior Bar Conference of the American Bar Association, the president of the Junior Bar Section attended the Fifth Circuit Conference in Mobile, Alabama, and attended the Mid-Winter Meeting of the American Bar Association in Chicago, Illinois. The Spring issue of *The Young Lawyer,* official publication of the Junior Bar Conference, carried a story concerning activities in Mississippi, thus giving us some publicity which we think was deserved.

The Junior Bench and Bar of Hattiesburg, working with the Hattiesburg Bar Association, has led the State in the matter of Public Relations with their splendid radio programs.

The Jackson Junior Bar Association, with the full cooperation of the Hinds County Bar Association, established the first organized legal aid project in this state. This is a non-profit corporation designed to operate in this part of the country. Full information may be obtained by writing LEGAL AID, INC., Jackson, Mississippi.

Your Junior Bar Section offered its assistance, and did assist in the production of the Jackson Law Institute and the Lawyers and C.P.A.'s Tax Institute at Hattiesburg. Your Junior Bar Section took an active part in the formation of the program and the production of the Estate Planning Conference which was held at the University of Mississippi last Spring. It might be pointed out that Mississippi is one of the few states which offers three institutes for continuation of legal education in one year, and does so without any help from outside.

Your Junior Bar Section conducted a poll on a constitutional question, the results of which you have just heard.

Your Junior Bar has made a concentrated effort to promote the organization of local and district wide bar groups. The members of the Junior Bar Section were kept informed along these and other lines by periodic letters from the president.

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Mr. Overton A. Currie, as Vice President of the Junior Bar Section, presented the results of the ballot taken concerning the following resolution:

"Resolved: That the Junior Bar Section of the Mississippi State Bar Association go on record as being in favor of requesting the Legislature of the State of Mississippi to call a Constitutional Convention to meet within the next two years for the purpose of drafting and adopting a new Constitution for Said State."

The results showed that of a total of 288 votes cast, 214 were for the resolution and 74 against the resolution. The convention adopted this report and directed the incoming officers to notify each member of the Legislature of the results of this poll.

At this time President Nichols declared a recess until 8:00 P.M.

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## THURSDAY, JUNE 18, 8:00 P.M.

President Nichols called the meeting to order, and declared the next order of business to be the remaining committee reports. Mr. Rowan H. Taylor of Jackson gave the Report of the Public Relations Committee, followed by Mr. William O. Carter of Jackson, who presented the Report of Legal Aid, Inc. Both reports were adopted by the convention.

In a brief ceremony President Nichols recognized all of the past presidents of the Junior Bar Section, and presented those present with Certificates of Merit in recognition of the services rendered to the Junior Bar Section.

The next order of business was the election of officers. The following were duly elected:

Mr. Lampkin Butts, President
Mr. Harry Hoffman, Vice-President

Executive Committee:

Fred Witty, Northern District
John J. Frazier
W. B. Meek
Ira Pittman, Central District
William H. Johnson
John A. Travis
Frank Alexander, Southern District
Joe Thompson

Recommended to Senior Bar as Second Vice-President:

Robert G. Nichols, Jr.

The Seventeenth Annual Meeting of the Junior Bar Section was then adjourned sine die.

# APPENDIX A

## COMMITTEE REPORTS

### REPORT OF COMMITTEE ON AMERICAN CITIZENSHIP

The programs and objectives of the Committee on American Citizenship have been formulated in the main by the National Committee of the American Bar Association. That committee has sought to bring about a better understanding of the privileges and responsibilities of the American citizen by means of a direct approach to the public in each locality throughout the nation, with the assistance of the state and local bar associations.

Members of the bar in each county and state are being urged to make public addresses on American citizenship before service clubs and other civic groups, addresses at the schools and before other audiences on the American system of government, and to render assistance whenever possible in carrying on a broad program of education on the American Constitution. It is considered that the lawyers, as moulders of public opinion, are particularly well equipped to do this job of selling to all Americans the great system of constitutional government under which we live, and of enlisting their aid in its maintenance and preservation.

At the last annual meeting of this Bar, your committee was able to tell you that thirty-seven counties had sent in reports to the state chairmen showing that during the twelve months prior thereto a total of 143 lawyers had made 193 speeches in Mississippi on our constitutional form of government and the privileges and responsibilities of citizenship in America. Speeches of a similar nature were made in some of the other counties on Armistice, Independence, and Citizenship Days, the observance of Constitution Week, and other occasions, but where the speeches were made is not reported. Fewer reports have come in for the twelve month period now ending, but this may be due in part to the fact that I did not write the county committees for the data earlier. I am again indebted to Mr. Sydney A. Smith, Jr., of the Hinds County Bar, for assembling such information as we have received from the county chairman. Warren and Bolivar Counties deserve special mention in the prosecution of the American Citizenship programs.

## REPORT OF ANNUAL AUDIT*

A summary of the receipts and disbursements for the current year and a comparison with a like summary of receipts and disbursements for the preceding year are presented in the following table:

| | *Year Ended 5-15-53* | *Year Ended 5-15-52* | *Increase Decrease—* |
|---|---|---|---|
| BALANCE ON HAND, BEGINNING OF YEAR | $ 551.36 | $ 1,056.51 | $ 505.15— |
| RECEIPTS: | | | |
| Dues collected | 17,125.00 | 8,705.00 | 8,420.00 |
| Annual convention—excess of receipts over disbursements | 266.60 | 289.48 | 22.88— |
| Sale of office equipment | ---------- | 90.00 | 90.00— |
| Deposits on 1952-53 dues | ---------- | 20.00 | 20.00— |
| Refund of bond premium | 77.75 | ---------- | 77.75 |
| Withholding tax collected | 73.20 | 43.80 | 29.40 |
| | 17,542.55 | 9,148.28 | 8,394.27 |
| | 18,093.91 | 10,204.79 | 7,889.12 |
| DISBURSEMENTS: | | | |
| Secretary's salary | 3,550.00 | 2,300.00 | 1,250.00 |
| Stenographer's salary | 1,425.00 | ---------- | 1,425.00 |
| Office expenses | 1,973.75 | 1,225.25 | 748.50 |
| Commissioners meetings | 671.60 | 643.94 | 27.66 |
| Committee expenses | 478.75 | 146.07 | 332.68 |
| Junior Bar Section | 676.43 | 363.12 | 313.31 |
| *Mississippi Law Journal* | 3,102.99 | 3,250.00 | 147.01— |
| National Conference of Commissioners on Uniform State Laws | 300.00 | ---------- | 300.00 |
| Expenses of Secretary to Convention | 479.36 | 300.00 | 179.36 |
| Expenses of Delegate to Judicial Conference | 35.00 | 36.00 | 1.00— |
| Miscellaneous | 122.51 | 205.43 | 82.92— |
| Disbursements applicable to other fiscal years | 48.80 | 1,183.62 | 1,134.82— |
| | 12,864.19 | 9,653.43 | 3,210.76 |
| BALANCE ON HAND, END OF YEAR | $ 5,229.72 | $ 551.36 | $ 4,678.36 |

*Complete audit is on file with the Secretary of the Mississippi State Bar, Jackson, Mississippi.

The following table presents a summary of the financial condition of the Mississippi State Bar at May 15, 1953:

ASSETS

| | | |
|---|---|---|
| CURRENT ASSETS: | | |
| Cash on hand | | $ 125.00 |
| Cash on deposit | | 5,069.72 |
| Returned checks | | 35.00 |
| Total assets | | $5,229.72 |

LIABILITIES AND SURPLUS

| | | |
|---|---|---|
| CURRENT LIABILITIES: | | |
| Balance of 1952-53 appropriations for *Mississippi Law Journal* | $1,497.01 | |
| Withholding tax payable | 73.20 | |
| Total current liabilities | | $1,570.21 |
| SURPLUS: | | |
| Unappropriated balance of operating fund | | 3,659.51 |
| Total liabilities and surplus | | $5,229.72 |

## *AUDITOR'S CERTIFICATE*

In our opinion, the accompanying statement of receipts and disbursements and related comments in the letter of transmittal present fairly the results of operations of the Mississippi State Bar for the year ended May 15, 1953, and its financial condition at the end of the year, in conformity with generally accepted accounting principles applied on a basis consistent with that of the preceding year.

DICK D. QUIN AND COMPANY

## REPORT OF THE BUDGET AND FINANCE COMMITTEE

We have carefully examined the audit covering the accounts and financial records of the Mississippi State Bar for the past fiscal year, closing as of May 15, 1953, prepared and certified to by Dick D. Quin & Company. We are glad to report that the financial affairs of the Mississippi State Bar have been carried on in an excellent manner with the funds available.

We anticipate that the income for 1953-1954 will be around $18,000.00. The Committee, after careful study, presents and recommends the adoption of the following budget for the fiscal year 1953-1954:—

| | |
|---|---|
| Office Expense | $2,000.00 |
| New Office Equipment | 400.00 |
| Commissioners' Expense | 900.00 |
| Junior Bar Section | 1,000.00 |
| Annual Meeting | 300.00 |
| Committee Expense (To be allocated by the Commissioners) | 2,000.00 |
| Travel allowance for Study Committee | 300.00 |
| National Conference on Uniform State Laws | 150.00 |
| Expense Delegates to Judicial Conference | 350.00 |
| Secretary's Salary | 3,600.00 |
| Expense Secretary to ABA Convention and to Mid-Winter Conference | 650.00 |
| Contingent or Miscellaneous | 150.00 |
| Extra Office Help | 1,800.00 |
| *Mississippi Law Journal* | 3,600.00 |
| Dues Conference of Bar Presidents (ABA) | 25.00 |
| President's Expense | 250.00 |
| Total | $17,475.00 |

As will be seen, we have included in the budget an item for Office Equipment, in the amount of $400.00. The work of our Secretary has greatly increased with our expanded program and there is a great need for the purchase of filing cabinets, metal book shelves, a secretary's desk, a typewriter, and many other necessary items. The amount recommended will supply only the most needed items.

There appears in the budget for the first time an item for President's expense, in the amount of $250.00. We realize that this amount will not begin to cover the expenses of the President, but we feel that the Bar should certainly reimburse the President, to some extent at least, as a token of sincere appreciation for his contribution to the Mississippi State Bar and for the many sacrifices made by him, during his tenure of office.

We have increased the item of committee expense for the other committees, fixed in the budget last year at $750.00, to the sum of $2,000.00, and suggest that the Commissioners allocate this amount among the various committees, in proportion to the needs of each, based on the work assigned to the various committees. The work of the Public Relations Committee, both of the Senior and Junior Bar, during the past year, has been tremendous, and has covered a large portion of the State. The standing of the lawyers with the public generally over the state has been materially improved by their marvelous work through the channels of the press, over the radio and in many other ways, as will be seen from the report of these committees to the convention. If this work is to be continued, in accordance with the plans and recommendations of these committees, we suggest, in view of the scope and magnitude of the program planned, that the commissioners allocate $1,500.00 of this item to the Public Relations Committee of the Junior and Senior Bar, and the remainder thereof, or the sum of $500.00, to the other committees.

We have reduced the item for the *Mississippi Law Journal* from $4,600.00 to $3,600.00, which course appears absolutely necessary if the Bar is to properly function as it should in its expanded program. We are, of course, anxious for the *Journal* to rank among the nation's best and, at the same time, are just as anxious for the Bar itself, through all of its activities, to rank that same way. We believe that the sum of $3,600.00 is all that can be spared for the *Mississippi Law Journal* next year, and have accordingly recommended that amount.

We notice from the audit that there are a number of delinquent members and suggest that the Commissioners give this matter prompt and appropriate attention. It is essential that all members pay their dues if the Mississippi State Bar is to function as it should.

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## REPORT OF COMPLAINT COMMISSIONER

Comparatively, we have had a considerable number of complaints during the past year. We have had some twenty-five official complaints, some five complaints by letter only but no affidavits filed as required, and several additional types of inquiries. All complaints have been disposed of with the exception of approximately two which are still pending because certain additional requirements have not been supplied.

It will be interesting, and we trust educational, to the Bar to know that more than 50 per cent of the complaints against attorneys are on the basis that attorneys failed to correspond with their clients, or report on the status of the matters entrusted to them or return files upon request. Approximately 25 per cent of the complaints are from "crackpots" and perennial letter writers. The balance of the complaints are in the nature of serious charges or mere inquiries.

Considerable time has been given by the Bar Commissioners at each of their meetings to a patient hearing of all complaints and it is to the credit of the Bar that they are diligent in an attempt to keep a clean house in the Bar and also to attain a reputation with the public that would establish good public relations.

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## REPORT OF CORPORATE AFFAIRS COMMITTEE

Your Committee determined that its first function should be a thorough analysis of the provisions of the Mississippi Constitution and the general statutes dealing with the organization, management, operation, termination, liquidation, duties, responsibilities and liabilities of domestic and foreign corporations.

As such studies and analysis progressed, your Committee determined that improvement could be made in such constitutional and statutory provisions which would promote the best interest of and be beneficial to the citizens and public at large of the State of Mississippi, the stockholders, directors and other officers and employees of such corporations, attorneys representing individuals dealing with the corporations and the attorneys representing such corporations.

Recognizing that such improvement could be made, the Committee, with the approval of the State Bar Commissioners, wrote a letter which was sent to every lawyer in Mississippi and many, if not all, of the substantial corporations, domestic and foreign, which were doing business in this state whereby invitations were extended requesting the submission to the Committee of any suggestions which the maker might feel would in any way improve the corporate statutory law of the state for the benefit to the aforenamed interested persons. The suggestions received total approximately one hundred.

Taking the suggestions as a whole they bear down to the conclusion and, in the opinion of the Committee, dictate that the best interest of those concerned will be best served by a complete revision of the corporate laws of this State, prepared and based first, upon the recognition of problems and exigencies peculiarly adapted to our State, and secondly, based upon the statutes of a state or states whose jurisprudence is founded upon principles similar to those controlling our Mississippi courts. Thus, such statutes as we may select for adoption in Mississippi will have been construed by the courts of the example state so that, if adopted in Mississippi, we would not be entering upon an unchartered sea of statutory meaning, but that the meaning of such statutes would have been broadly and clearly declared and determined and, further, so that the decisions of such state would be as persuasive as possible upon our courts in construing statutes adopted for Mississippi.

At the thresh-hold of any substantial improvement in our corporate laws is the immediate necessity for two constitutional amendments. In view of the time element involved in securing or laying of the necessary ground work for a constitutional amendment, immediate action should be taken to submit to the people these amendments:

1. Amend Section 178 of the Constitution which restricts corporate existence to a maximum of 99 years so as to permit a perpetual charter, thus minimizing expense and promoting certainty and efficiency in corporate affairs.
2. Repeal and amend that part of Section 194 of the Constitution which now requires all classes of corporate stock to vote in the election of directors or managers. Freedom of determination should be permitted in this respect so that the charter of the corporation would grant voting rights to such class, or classes, of stock, common or preferred, as may be therein designated.

The Committee respectfully recommends and suggests that the Association should approve immediate action to accomplish the above suggestions for correction of these two sections of the Constitution which would lay a necessary foundation for the improvement of our corporate laws. The Committee further recommends that no effort be made to amend or repeal certain other sections of the constitution or statutes as individual effort toward improvement, but that the insufficiencies of our corporate laws be remedied by the herein recommended method of a complete revision. Now, therefore, the Committee recommends that the Association adopt, approve and authorize the following:

1. Proper amendment or repeal of Section 178 and 194 of the Mississippi Constitution in accordance with the foregoing;

2. Approve in principle and direct the preparation of a complete revision or rewriting of the corporate statutory law including any related provisions of the

Mississippi Constitution on the foregoing basis as will best prompt the interest of all persons affected thereby;

3. That a Committee be appointed by the newly elected president of the Association to accomplish the foregoing;

4. That such Committee be authorized to draft proper acts and, upon approval as hereinafter mentioned, to present and support same for passage and adoption at the next session of the Legislature of the State of Mississippi; and,

5. That said Committee be further directed to, as rapidly as possible, prepare a complete revision or rewriting of corporate statutes and any other sections of the Constitution in line with the foregoing and when such revision or rewriting shall have been approved by a majority of the Commissioners of this Association at a regular meeting of the Commissioners, then that same be forthwith presented to the Legislature of the State of Mississippi for adoption and passage as statutes or constitutional amendments endorsed, supported and approved by the Mississippi State Bar Association.

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## REPORT OF THE LEGISLATIVE COMMITTEE

It is the function of the Legislative Committee to attempt to implement by legislative enactments such of the proposals of the Study Committee of the state bar and such other legislative recommendations as are endorsed by the Mississippi State Bar at the annual convention. The legislature has not met since the 1952 convention. Consequently, there has been no opportunity for the Committee to carry out this responsibility during the year now ending. It is recommended, however, that the Legislative Committee for the year 1953-54 be appointed promptly following the 1953 convention and that the following program be undertaken:

1. The Committee should be composed of no more members than necessary to efficiently and economically discharge the responsibilities.

2. The Committee should receive from the Study Committee all proposals recommended by the Study Committee and adopted by the 1953 convention, together with all proposed bills drafted by the Study Committee after the adjournment of the convention.

3. The Committee should receive from the Secretary of the Mississippi State Bar such other recommendations as the convention adopts for the consideration of the legislature.

4. The Committee should meet at such times and places prior to the 1954 regular session of the legislature as will enable it to see that all recommendations are drafted in the form of bills, that all proposed bills are made available for introduction upon the convening of the legislature, and that an adequate program of publicizing said proposals to the legislature is assured.

5. The Committee should take such action during the session as will insure an adequate presentation of all proposals.

It is urged that the foregoing program, if carried out successfully, will contribute to the administration of justice and to the continued enlightenment under our government of laws.

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## REPORT OF THE MEMORIAL COMMITTEE

On September 8, 1952, which was the convening day for the Supreme Court, your Committee conducted a Memorial Service for those members of the Bar who had passed to their reward since the previous court convened. Appropriate remarks were made by your President, the Chief Justice of the Supreme Court and many other prominent attorneys and judges. Those of the Bar honored on that day were:

W. D. Anderson, Jackson
Crit. A. Archer, Washington, D. C.
C. A. Bratton, Oxford
Walker Broach, Jr., Meridian
E. B. Cooper, Laurel
Robert E. Conner, Bay St. Louis
Lawrence P. Cunningham, Louisville
R. W. Cutrer, Magnolia
G. Odie Daniel, Starkville
J. R. Dent, Gulfport
J. N. Flowers, Jackson
J. B. Gully, Jackson
Frederick P. Hamel, Canton
R. W. Heidelberg, Hattiesburg
John B. Higgins, Jackson
J. Knox Huff, Forest
R. M. Kelly, Vicksburg
Charles D. Kilgore, Jackson
John M. Kuykendall, Charleston
F. Holt Montgomery, Laurel
James E. Parker, Meridian
P. D. Radliff, Jackson-Raymond
Henry C. Stapleton, Biloxi
J. Morgan Stevens, Jackson
William F. Taylor, Drew
G. L. Teat, Jackson
F. G. Thomas, Tupelo
V. H. Torrey, Meadville
E. G. Truly, Fayette
R. E. Wilbourn, Meridian

Since September 8, 1952, twenty-five names have been added to the above list. We believe that this report would not be complete without pausing briefly to honor them. These are:

Julian P. Alexander, Jackson
William D. Belk, Holly Springs
J. E. Caradine, West Point
Joseph T. Case, Brookhaven
W. D. Conn, Sr., Corinth
T. B. Davis, Columbia
DeWitt C. Enochs, Jackson
Frank E. Everett, Indianola
J. H. Ford, Houston
Lester C. Franklin, Jackson
Aubrey D. Fulton, Jackson
Julia S. Griffin, Jackson
T. C. Hannah, Hattiesburg
W. H. Hutto, Waynesboro
G. H. Merrell, Collins
C. E. Johnson, Union
R. J. Pettey, Greenwood
Walter F. Pratt, Jackson
V. J. Stricker, Jackson
J. H. Thompson, Jackson
R. E. Townsend, Dade City, Florida
S. E. Travis, Hattiesburg
J. A. Riddell, Meridian
L. E. Grice, Crystal Springs
M. C. Young, Aberdeen

Your Committee conducted a special Memorial Service in memory of Justice Alexander in the Supreme Court room on a regular court day. Appropriate remarks were made by Chief Justice McGehee, Justice Roberts, Mr. Charles B. Snow, Mr. Eugene Morse and Mr. Stokes Anderson.

The fifty-five names listed in this report represent men and women whose memory will forever be present in our profession.

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## REPORT OF THE EDITORIAL BOARD OF THE *MISSISSIPPI LAW JOURNAL*

### *GENERAL*

The publication of the October, 1953 issue will mark the completion of the twenty-fourth volume, and the *Mississippi Law Journal* will commence its twenty-fifth year of uninterrupted publication. At the present time the *Journal* publishes four issues each year, and has a circulation of approximately 2300 copies per issue.

Except for numerous isolated purchases, our subscribers include the members of the Mississippi State Bar, students of the University of Mississippi Law School, and Libraries throughout the United States and the rest of the world. At present our international circulation includes copies sent to England, Canada, China, Argentina, Hawaii, Mexico, the Philippines, Puerto Rico, Union of South Africa, Australia, and Korea. Our subscription rate is $4.00 per annum, and separate copies may be purchased for $1.50.

### *BUILDINGS AND FACULTIES*

The publication headquarters of the *Mississippi Law Journal* is located at the University of Mississippi, and is situated in a brick structure immediately adjacent to the law building on the campus. We have only recently completed extensive interior redecoration, with paint and wallpaper throughout and the floors refinished.

The building contains an editorial and business office, a reception room, and three work rooms for the members of the staff. All staff members have desk space in the building. One room is lined with shelves which provide storage space for the back issues of the *Journal.* In addition, the *Journal* has a library consisting of the *Mississippi Reprints,* the *Southern Reporter,* the *Supreme Court Reports,* the *Mississippi and Southern Digest,* and the *Mississippi Code of 1942.* Due to the efforts of Dean Robert J. Farley and Mr. Arthur B. Custy, Faculty Adviser, the cost of the *Journal* library, in addition to the above mentioned upkeep of the building, are born by the University and the Law School without expense to the *Journal.*

Through a courtesy service of the West Publishing Company each member of the staff receives without charge the *Southern Reporter* and *Supreme Court Reporter* advance sheets, and the *Journal* itself receives the advance sheets of the entire National Reporter System. The *Journal* also receives the Reports of the Military Court of Appeals and the more important of the Attorney General's Opinions of the State of Mississippi.

## *PERSONNEL*

Each issue of the *Mississippi Law Journal* is edited by a student editor with the help of an editorial board, all of whom are students of the Law School. At the present time the board is comprised of sixteen students and, in addition to the associate editors, consists of an editor, business manager, note editor, two comment editors, and a book review and index editor.

Members of the board are chosen by the faculty on the recommendation of the editor, based on scholarship, achievement, and editorial ability. All work is done under the supervision of our Faculty Advisor, Mr. Arthur B. Custy, who in turn is responsible to the Dean of the Law School. Each student who satisfactorily completes the required work receives two hours academic credit and an engraved certificate upon graduation.

## *ISSUES PUBLISHED SINCE LAST CONVENTION*

Since the 1952 Convention the *Journal* has published four issues: the October and December, 1952, issues and the March and May, 1953, issues. The May issue is now at the printer and will be circulated shortly after the convention.

Mention should be made here of the delay which has attended the publication of the last issues, and the editorial board would like to offer its apologies to the Committee and to the Bar for the tardiness in publication. We have not felt justified in going ahead with the publication of a particular issue until satisfied with the accuracy and completeness thereof. One of our chief difficulties has been in our inability to secure articles from the contributors by the deadline date. The deadline is set some three months ahead of the publication date. Our present difficulty lies with breakdowns at the printer, which, of course, is unavoidable. This is not a new problem with the *Journal,* nor is it unique to the *Mississippi Law Journal,* for we have kept up our publication schedule as well as most journals published in neighboring states. However, it is hoped that this is a situation which will not recur during the coming years.

All in all, we feel that the past year has been most successful. The symposium in the December issue on Writs in Mississippi has been very well received and it appears to have been one of our best and most useful issues published in several years.

## *FUTURE PLANS*

The *Journal's* contract with the present printer, the Birmingham Printing Company of Birmingham, Alabama, expires with the October, 1953 issue. It has been our policy in the past to let the printing contract for a two-year period, and we are now in the process of procuring bids on the publication work from various sources for the next two volumes. We are hopeful of securing a satisfactory bid from a printer in Mississippi, preferably one close to the University, thus saving the delay and expense of mailing proof back and forth. However, it should be understood that it is the feeling of the editorial board that the present printer has

consistently delivered well-printed issues of the *Journal*, and our interest in changing is principally in the interest of saving time and money, if that be possible.

The biggest future project for the *Journal* concerns the publication of a fifth issue in the present volume. In May, 1953 the University held an Estate Planning Conference for attorneys, accountants, trust officers, and insurance underwriters. The program was designed to present a hypothetical situation which illustrated the problems involving each class of participant, with special attention being given to the methods of practical planning and the avoidance of the common tax pitfalls. The Conference was well attended, and the comments were extremely favorable.

It is the plan of the *Journal* to publish the proceedings of this Conference as the fifth issue of Volume XXIV. Copies would be sent to all of the present subscribers, without additional cost, as a part of the subscription. However, after thorough investigation it is believed that the biggest part, if not the entire cost of this issue could be borne by the sale of additional copies to interested persons outside of the Mississippi Bar, such as bankers, insurance companies, accountants, and attorneys outside of the state.

The *Mississippi Law Journal* desires the Mississippi Bar to underwrite the cost of this additional issue to the extent of $2,000. Proceeds of the sale of this issue would be remitted to the Bar until the original amount had been repaid.

## *THE SOUTHERN LAW REVIEW CONFERENCE*

The Seventh Annual Meeting of the Southern Law Review Conference, of which the *Mississippi Law Journal* is a member, was held in Lexington, Kentucky, on April 17 and 18, 1953. The *Journal* was represented by three members of the staff and the Faculty Adviser. Some fifteen southern law schools participate in this conference, and it is found to be an ideal means of exchanging ideas and keeping abreast of the latest methods of producing a legal periodical. The expense of attending these conferences is met to a large degree by the Law School, with the delegates defraying the balance.

The Eighth Annual Meeting of the Southern Law Review Conference in 1954 is to be held at the University of Mississippi, with the *Mississippi Law Journal* as host.

## *THE* JOURNAL *AND THE BAR*

The primary consideration of the editorial board in publishing the *Mississppi Law Journal* is to serve the Mississippi State Bar. In attempting to carry out this purpose, we have tried to select material which would be both helpful and interesting to our readers. It is our hope that the results have fulfilled this aim. The editorial board solicits and will be grateful for any suggestions, comments or criticisms from the Bar in regard to the publication of the *Journal.* The members of the Bar are encouraged to submit desirable subjects on which leading articles or student writings may be procured and published. Particularly do we invite each member to write and submit for our consideration material for publication in the *Journal.* It is your publication and we hope you will help us to make it more helpful and beneficial to you.

## EXHIBIT "A" TO THE *LAW JOURNAL* REPORT

## FINANCIAL REPORT OF THE *MISSISSIPPI LAW JOURNAL*

July 1, 1952 — June 30, 1953

*Receipts*

| | |
|---|---|
| Balance in bank, July 1, 1952 | $ 220.97 |
| Appropriation, Mississippi State Bar | 4,500.00 |
| Sale of Subscriptions | 375.05 |
| Sale of Back Issues | 105.40 |
| Sale of Indexes | 45.50 |
| Sale of Advertising | 646.00 |
| Law School Student Assessment | 278.60 |
| Returned Purchases | 10.00 |
| Total Receipts | $6,181.52 |

*Disbursements*

| | | |
|---|---|---|
| Printing: | | |
| Volume XXIII, No. 4 | $1,250.63 | |
| Volume XXIV, No. 1 | 1,852.36 | |
| Volume XXIV, No. 2 (Estimated) | 1,500.00 | |
| | | $4,602.99 |
| Postage and Box Rent | | 88.70 |
| Post Office Deposit on *Journal* Postage | | 30.00 |
| Stationery and Office Supplies | | 45.17 |
| Miscellaneous Office Expense | | 45.15 |
| Telephone Expense | | 227.02 |
| Printing Expense (other than *Journals*) | | 33.50 |
| Insurance on *Journal* Library | | 62.25 |
| Page in Yearbook | | 50.00 |
| *Law Journal* Keys | | 9.00 |
| Other expenses | | 19.25 |
| Total Disbursements | | $5,213.03 |
| Cash on hand, June 30, 1953 (Estimated) | | 968.49 |
| | | $6,181.52 |

## EXHIBIT "B" TO THE *LAW JOURNAL* REPORT

## PROPOSED BUDGET FOR THE *MISSISSIPPI LAW JOURNAL*

July 1, 1953 — June 30, 1954

*Receipts*

| | |
|---|---|
| Balance in Bank, July 1, 1953 (estimated) | $ 968.49 |
| Appropriation, Mississippi State Bar | 4,500.00 |
| Underwriting of Volume XXIV, No. 4, Mississippi State Bar | 2,000.00 |
| Subscription Sales | 400.00 |
| Sale of Back Issues | 100.00 |
| Sale of Advertising | 650.00 |
| Sale of Index | 45.00 |
| Law School Student Assessment | 300.00 |
| Total Receipts | $8,963.49 |

*Disbursements*

| | | |
|---|---|---|
| Printing: | | |
| Volume XXIV, No. 3 | $1,500.00 | |
| Volume XXIV, No. 4 | 2,000.00 | |
| Volume XXIV, No. 5 | 1,200.00 | |
| Volume XXV, No. 1 | 1,200.00 | |
| Volume XXV, No. 2 | 1,200.00 | |
| Volume XXV, No. 3 | 1,200.00 | |
| | | $8,300.00 |
| Postage and Box Rent | | 150.00 |
| Stationery and Office Supplies | | 50.00 |
| Telephone Expense | | 225.00 |
| Printing (Other than *Journals*) | | 25.00 |
| Insurance (*Journal* Library) | | 63.00 |
| Page in Yearbook | | 50.00 |
| Miscellaneous Expenses | | 75.00 |
| Total Disbursements | | $8,938.00 |
| Cash on hand, June 30, 1954 (Estimated) | | 25.49 |
| | | $8,963.49 |

## REPORT OF PROCEDURAL REFORM COMMITTEE

Your Committee respectfully submits the enclosed Bill* for consideration of the Mississippi State Bar, recommends its approval and its submission to the Legislature at its regular, 1954, session.

It will be noted that this is exactly the same Bill that has already been approved by the Mississippi State Bar several times and to the approval of which at the 1950 Annual Meeting there was only one dissenting vote.

The objection has been raised that this Bill is an attempt to infringe on the power of the Legislature. It is obvious that such contention is not correct because Section 3 of the proposed Bill provides that no rules submitted shall take effect until the Legislature has had an opportunity to pass upon such rules and that the Legislature has power to amend any rule, to enact new rules and to reject any and all rules.

It will also be noted that Section 4 provides for representation on the Judicial

*Editor's Note: A copy of the Bill herein mentioned may be found in 20 Miss. L. J. 509 (1949).

Council of trial judges, practicing lawyers and laymen and that the terms of the various members are staggered so that we shall never have an entirely new membership on such Judicial Council.

Another objection that has been made to the Bill in the past is that it is simply an attempt to slip over the lawyers of Mississippi the Federal Rules of Civil Procedure. This is not correct for two reasons.

The first reason is that any rule which may be formulated will first be formulated by the proposed Judicial Council. On that Council will be nine practicing lawyers. In addition to that, all proposed rules must be approved by the Supreme Court of Mississippi. Further, any and all rules formulated will be submitted to the Legislature.

Second, it is recognized by your Committee that, while some of the Federal Rules on Civil Procedure will be helpful in the practice in our state courts, not all of them are adaptable to our state practice. In fact, your Chairman is opposed, and will be opposed, to any attempt to submit the Federal Rules of Civil Procedure as they now stand, as the rules for practice in our state courts.

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## REPORT OF THE PUBLIC RELATIONS COMMITTEE (JR. AND SR. BAR)

Your Public Relations Committee of the Mississippi State Bar Association has worked throughout the past year in close conjunction with a companion committee of the Junior Bar Section, and has found this to be a very desirable method of operation, in that it prevents duplicating or overlapping efforts on the part of the two committees.

Your Committee secured considerable literature from the American Bar Association relative to the improvement of relations between attorneys and the public. While some of this material was not of any practical value, much of it was very helpful to the Committee. This material confirmed our feeling that the Bar has been very delinquent in keeping the public properly informed as to the role of the lawyer in the community.

In casting about for ways of improving our public relations in Mississippi, your Committee was immediately confronted with the stark fact that very little along these lines could be done without adequate finances. While some of the bar associations of other states have been just as delinquent as we have in the field of public relations, quite a number of the state bar associations have already met the challenge and are now spending considerable amounts of money annually to improve the distressing situation. The average amount spent annually throughout the country by the various bar associations would run somewhere around $2,000.00. Your committee requested financial assistance from the Bar Commissioners of our Association and were furnished the sum of $300.00. This $300.00 was augmented by an appropriation of $100.00 from the Junior Bar Section.

Working within the financial provisions above indicated, your Committee has done the following work throughout the past year:

1. Prepared outlines of speeches on subjects of interest to the public, such as Contracts, Real Estate Titles, Wills, and the Court and Jury System of Mississippi. These outlines have been sent to all of the organized county bar associations and to interested attorneys in counties not having an organized association. They are quite simple and elementary, but they give the local attorney something to go by, and with a very minimum of preparation an excellent talk of from fifteen minutes to thirty minutes can be given to local civic clubs and other organizations. This is a very effective method of improving our public relations and involves no expense whatsoever.

2. A newspaper advertisement was run in approximately fifty weekly newspapers in all areas of the state. Though the ad was only one column wide by three inches long, the cost of running it for one time was close to $100.00, thus consuming

the entire appropriation of the Junior Bar Section. The ad which was employed read as follows:

> "Consult an attorney. Every attorney licensed by the State of Mississippi fulfills statutory requirements concerning character, education, and knowledge. Consult him before you enter into a contract or if you need a will. Consult him before you get in trouble. This space provided in the public interest by the Junior Bar Section, Mississippi State Bar."

Your Committee doubts the wisdom of continuing to use this method, because of the disproportionate cost to the results which we feel are obtained thereby.

3. Seven short newspaper columns on subjects of interest to laymen were prepared, sample subjects being: "Do You Want the State of Mississippi To Make Your Will?"; "So You Are Buying a Home?"; and "Negligence." Each of these columns was only two or three hundred words in length. They were disseminated to the weekly papers through a mat service in the City of Jackson which sends out other free material which can be used by county papers as "filler material." The only cost involved in the use of this medium is the cost of the mats themselves which runs approximately $20.00 per week. We feel that this is a very economical and effective method.

4. Tape recordings were made of radio programs presented by the Hinds County Junior Bar Association, and these recordings were made available to the local bar associations. Such tape recordings can be used either by simply re-playing the recording over a station in another area, or by using the recording as a guide for a local bar association to go by in preparing a similar program. The cost of the tape is only nominal, and the tape may be used over and over again.

5. Two short films, one ten minutes in length and the other thirteen and a half minutes in length, were purchased by the Committee and placed in the film library of the Mississippi State Department of Education. These films were made primarily for showing to students of high school and college age. They are on subjects which help clarify a lawyer's role in society and at the same time promote patriotism by showing the advantages of our government by law rather than government by men. The subjects of the two films purchased are as follows: "Basic Court Procedures" and "The Supreme Court." Our Association is given credit for these films by means of a "leader" spliced onto the front of the film, reading: "Presented in the Interest of Education by the Mississippi State Bar Association." By depositing these films in the film library of the State Department of Education they are automatically circulated in the high schools throughout the state. These films can also be shown to civic clubs and will be subject to use by our Association, provided sufficient notice is given to the library so that there will be no interference in their scheduled showings. Film libraries are also maintained by the University of Mississippi, Mississppi Southern, and Delta State Teachers College. We strongly recommend the purchase of three additional prints of these two films for deposit with those libraries, and we further recommend that prints of other films of a similar nature be purchased and deposited in these film libraries. We feel that use of films of this type is an excellent method of improving our standing in the eyes of the public.

6. Your Committee read with interest a very favorable review of a film produced by the State Bar Association of Michigan entitled: "Living Under Law." Assuming that the film lives up to its advance billing, we recommend that our Association purchase a print of this film and let the Public Relations Committee for the coming year circulate it, upon request, to local bar associations for public showings. The cost of a print of this film is $250.00.

The Forrest County Bar Association has been particularly active during the past year in its efforts to improve the Bar's public relations. The Forrest County Bar has been, and is now, sponsoring a weekly radio program, which from all reports is excellent.

The Hinds County Junior Bar, assisted by the Senior Bar of that County, is also sponsoring a weekly radio program which is receiving a good response, and plans are being formulated for a regular television program.

Your Committee recommends that the methods of improving public relations which have been outlined above, or similar methods, be continued during the coming year on a much larger scale. This can be done, however, only if adequate finances are made availabe to the incoming Public Relations Committee. We, therefore, recommend that for the coming year this Association ear-mark the sum of $2,000.00 for use in bettering our status in the eyes of the public. Much more than $2,000.00 could be used to good advantage, but we are trying to be realistic and practical in setting this figure.

The job of improving public relations should be a challenge to each member of this Association. We should all be more conscious of the public's attitude toward the Bar of Mississippi and do everything possible to better our standing with the public. The most effective organized method of accomplishing this goal is through the individual County Bar Associations, guided and assisted by the State Bar's Public Relations Committee, which should serve as a clearing house for films and other helpful material.

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## REPORT OF RESOLUTIONS COMMITTEE

### *RESOLUTION*

WHEREAS, The Mississippi Bar Association assembled in convention at Biloxi, Mississippi, realizing the urgent need for prison reform within our State Penitentiary, does hereby, through its President and officers, offer its services and assistance and invites and requests the cooperation of his Excellency, Governor Hugh White, in bringing about the necessary reforms and offers this resolution in a desire to be of public service, and

WHEREAS, there are yet existing, some outmoded policies and procedures, which were in existence at the time of, and since the inauguration of Honorable Hugh White, and which policies and procedures could be and should be corrected and eliminated in order to raise the standards of our penal institution up to those of our sister states and the Federal System, and

WHEREAS, in recent years the science of prison administration has made great strides and insofar as the science of modern Penology is such a highly specialized subject as to require specially trained prison administrators, it is believed and suggested that our state institution could be modernized and streamlined, if such a modern, qualified penologist were added to the Staff at the said Institution, and that there are educated, trained and experienced Penologists available for this purpose, and

WHEREAS, the proper treatment of prison inmates depends upon the knowledge of the warden and his staff, it is therefore, essential that they be properly trained in human psychology; and it is axiomatic among educated and trained prison administrators "that every inmate sentenced to a correctional institution returns to society as being either better or worse than when he entered, but whether he is better or worse depends upon the treatment which he received in the institution", and

WHEREAS, our State should undertake a new and modernistic prison program completely re-working, re-building, re-organizing, re-staffing, and in short, undertaking an entirely new prison program, in accordance with the principles of Science, Christianity, and Humanity and employ a competent, skilled, trained and experienced warden and staff to supervise and direct Mississippi's correctional institutions and raise our system to the level of Louisiana and other states, and

THEREFORE, BE IT RESOLVED BY THE MISSISSIPPI STATE BAR ASSOCIATION, that we do hereby respectfully petition and request his Excellency, Governor Hugh White, to intervene and promulgate a plan calling for an overall modern prison system to the end that our State Penitentiary will be recognized as one of the most modern in the Country; and, further, that we do hereby respectfully invite his Excellency to call upon the Mississippi State Bar Association, or any of its officers or members, to serve on any committee or perform any function or service in the furtherance of this end.

*RESOLUTION*

WHEREAS, it is the opinion of the Mississippi State Bar in convention assembled that the Constitution of the State of Mississippi should be amended so as to abolish the Justice of the Peace Courts established thereunder; and

WHEREAS, it is further the sense of this body that courts presided over by a judiciary trained in the law should be substituted for the system of Justice of the Peace courts now established;

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Mississippi State Bar, in convention assembled in Biloxi, Mississippi, that the Study Committee and the Legislative Committee of the Mississippi State Bar be requested to draw appropriate proposed constitutional amendments and bills necessary to abolish said Justice of the Peace courts and to establish in their stead a system of courts presided over by a judiciary trained in the law; and

IT IS FURTHER RESOLVED that said committees be requested to take such further action as, in their judgment, may be necessary to present the aforesaid matters properly for the consideration of the Legislature and the Electorate.

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## REPORT OF STUDY COMMITTEE (JR. AND SR. BAR)

In accordance with a custom of many years, a letter was sent to every member of the Bar asking for suggestions as to any needed changes in the statutes of Mississippi. An excellent response to that letter was received, and the Committee wishes to thank all of those who made suggestions. The number of suggestions received, the volume of work required to study and consider each of them, and the limitations of time precluded us from giving consideration to all of such suggestions. Failure to recommend in this report a particular suggestion does not mean necessarily that it was disapproved. Those not acted upon by the Committee will be referred to the succeeding Study Committee for further consideration. The following recommendations represent the careful thought and study of the entire Committee.

Item I. There is no statutory provision for annulment of marriages, and the question of annulment is in confusion in Mississippi. The Committee believes that the matter should be clarified and made certain by a complete statute.

Item II. For a long time there has been a need felt for a material revision of Section 1269,* dealing with the adoption of children. At the 1952 legislative session Senate Bill 405 passed the Senate, but was not voted on in the House.

The Committee has studied this bill and analogous statutes in other states. It has made a careful revision and redraft of Senate Bill 405, and believes that the recommended adoption statute, if enacted, will be a tremendous aid to chancellors in handling adoption procedures, and will assist the courts in better protecting the rights of adoptive children and parents.

Item III. The Committee believes that there is a real need for a statute which would authorize trial judges in their discretion to direct that there be empaneled one or more alternate jurors to sit in cases in which the trial is likely to be a protracted one.

Item IV. The Committee suggests that Section 753 be amended so as to read as follows: "Appeals to the Supreme Court shall be taken within ninety days after the rendition of the judgment or decree complained of, and not after." The effect of such an amendment would be to reduce the limitation on appeals to the Supreme Court from six months to ninety days, and eliminate the savings to persons under disabilities.

Item V. The Committee recommends legislation which would authorize county boards of supervisors in their discretion to employ legal counsel by the

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*All section numbers in this report refer to Mississippi Code of 1942.

year at an annual salary not to exceed the annual salary paid to a member of the board of supervisors. The effect of the suggested amendment would be to substitute a maximum in the amount of the annual salary paid to a member of the board of supervisors, in lieu of the present ceiling of an annual salary of $1200.00.

Item VI. Section 421 provides for the investment by a guardian of the money of the ward in specified securities, under court order. The Committee is advised that some chancellors and the legal counsel for some surety companies take the position that where a ward has received certain securities by way of inheritance, bequests or gift, which are not permissible securities under Section 421, the guardian should dispose of them and thereafter reinvest the resulting funds in securities approved by Section 421. The Committee believes that the statute should be clarified so as to place discretion in the chancery court to determine whether such securities should be retained or sold.

Item VII. Section 7060, 1952 Supplement, provides for the issuance of birth certificates for adopted children which will reflect the names of the adoptive or foster parents in lieu of the names of the natural parents. The Committee suggests that any doubt as to the power and duty of the Bureau of Vital Statistics to issue such a certificate where the child was born outside of Mississippi should be eliminated by an amendment to the above statute, which will provide that "such birth certificate for such adopted child shall be issued regardless of whether the child shall have been born within or without the State of Mississippi, and any birth certificate so issued for any adopted child born without the State of Mississippi shall be of the same legal effect as if said child had been born within the State of Mississippi."

Item VIII. The Committee recommends an amendment to Section 432 which would authorize the chancery court to appoint guardians for the estates of citizens of this state who have not been adjudged to be of unsound mind, or who have been so adjudged in a defective proceeding, but have been continuously confined in a state insane hospital for more than one year and are still so confined, and provided they are of unsound mind, and mentally incapable of taking care of their estates, and are incapable of responding to process. If at any time the court finds that such person has been restored to sanity it shall terminate the guardianship of his estate.

Item IX. The Committee recommends a statute permitting the taking of depositions of any witness or party to a pending suit prior to trial, but only under reasonable safeguards, such as the requirement that the deposition can be taken only in the county where the suit is filed unless the parties agree otherwise; the depositions cannot be used in lieu of oral testimony except under certain particularly outlined circumstances, and the order of the examinations shall be limited under orders of the court when desired.

Item X. This Committee recommends the adoption of the Uniform Act Upon Contribution Between Joint Tort Feasors, adopted by the National Conference of Commissioners of Uniform State Laws and approved by the American Bar Association, subject to minor changes in order to adapt it to our Mississippi statutes.*

Item XI. The Committee recommends an amendment to Section 500 so as to provide an additional method of taking the testimony of absent witnesses and of proving a will when the witnesses are not within the state, whereby the attesting witness making the deposition out of the state may have before him a certified photostatic copy of the original will, instead of the original will itself.

Item XII. The Committee recommends that the statute concerning mechanics' and materialmen's liens be amended so as to provide that laborers and

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*Editor's Note: After a lengthy discussion a motion was made and adopted by the convention that Item X be passed on to the next Study Committee for further study.

materialmen who are employed in the drilling of oil and gas wells shall have a lien upon the equipment and other property of the contractor or owner utilized in the drilling of such well.

Item XIII. The Committee recommends an amendment to Section 8666 so as to require any attorney from another state to execute a non-subversive affidavit, and prohibit any attorney from another state from appealing or pleading in any court in this state if said attorney is a subversive person.

Item XIV. The Committee recommends the amendment of Section 745 so as to extend the benefit thereof to partition proceedings, the amendment consisting of the addition of that portion in italics, to-wit:

> **§ 745. Action for property sold or partited by order of court.**—An action shall not be brought to recover any property *(a)* hereafter sold by order of a Chancery Court, where the sale is made in good faith and the purchase money paid, *or (b) any property partited in kind or sold for partition where the purchase money is paid,* unless brought within two years after possession taken by the purchaser under such sale of the property *or by the taker under the decree of partition.*

Item XV. The Committee recommends the building and establishment of the University of Mississippi Law Center at the University of Mississippi Law School. The plans for the Center were presented to the Committee by Dean Robert J. Farley of the Law School. Such a Law Center would provide the lawyers of Mississippi with numerous needed and helpful legal facilities, such as a complete library providing material for extensive research; research facilities by law school students for the use of attorneys on particular points of law, including furnishing of photostatic copies of decisions in point; and various other facilities for use by the bench and bar of Mississippi. In connection with such a Law Center, there would be a permanent Law Institute or similar body, consisting of outstanding members of the bench and bar of the state, which would study the various phases of our statutory laws, making recommendations on a non-political basis to the legislature, and render assistance to the legislature and legislative committees in studying deficiencies in our statutory laws and in preparing proposed legislation to cover those problems, when requested to do so by the legislature or the executive department. Your Committee believes that a Law Center and Law Institute will meet a widely recognized need to improve legal research facilities within the state, and would improve the administration of justice. Other states and university law schools in recent years proved the value of the creation of such facilities; outstanding examples are the Southwestern Law Center at Southern Methodist University, and the New York University Law Center.

From the experience of the Committee in some of the phases of the work which a University Law Center and Law Institute would perform, we unanimously approve this proposal, recommend it to the Mississippi State Bar, and recommend that the new president be authorized and directed to appoint a special committee to work with the University Law School, the Ole Miss Law School Alumni Association, and with the legislative and executive departments of the state, so as to facilitate the passage of legislation at the next session to create the University of Mississippi Law Center and Law Institute.

Item XVI. Your Committee is of the opinion that because of the limited statutory law we now have on the subject, Mississippi needs positive legislation in the field of trusts administration for the protection of those who place or leave their estates in trust and for their beneficiaries, and for the guidance and protection of those charged with the administration of such trusts. Your Committee recommends that the succeeding Study Committee for the year 1953-1954 be authorized and directed to study this subject further and to make specific recommendations to the next legislature to carry out this resolution.

Item XVII. The Study Committee recommends that the State Bar request and direct the Study Committee for the next fiscal year to investigate and make recommendations concerning: (1) a suggested statute permitting the circuit judge to call the grand jury into session during vacation prior to the meeting

of the criminal term of the circuit court; (2) statuory provision for assistance and additional facilities to district attorneys in carrying out the duties of their office; and (3) statutory provision whereby two or more counties would be permitted to set up a county court for such counties.

Item XVIII. The Committee recommends in principle the adoption of the following uniform acts which have been adopted by the National Conference of Commissioners of Uniform State Laws and approved by the American Bar Association: (1) Uniform Foreign Depositions Acts; (2) Uniform Reciprocal Enforcement of Child Support Act; (3) Uniform Photographic Copies of Business and Public Records As Evidence Act; and (4) Uniform Narcotic Drug Act. It is recommended that the State Bar authorize and direct the next Study Committee to study these acts and to draft proposed bills incorporating their general subject matter, subject to such changes as may be desirable to fit into our Mississippi statutes, and to present the same to the next session of the legislature.

Item XIX. The Committee recommends that Section 1264, dealing with the removal of disabilities of minority, be amended so as to make it a provision that "in cases of married minors, the residence of the husband shall be the residence of the parties." An ambiguity exists in the present statute as to the residence of a female minor where she is married and is living in one county with her husband and her parents live in another county, or where a male minor who is married lives in another county other than that of his parents.

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## REPORT OF THE EXECUTIVE COMMITTEE (JR. BAR)

The Executive Committee recommends the following for the consideration of the Junior Bar Section:

1. That new quarters for the Office of the Secretary of the Mississippi State Bar Association be obtained so as to allow for expansion;
2. That new equipment, such as metal book cases, filing cabinets, etc., be purchased for the Office of the Secretary of the Mississippi State Bar Association, and that definite space be allotted the Junior Bar Section for the filing of committee reports and work-files;
3. That the statistical survey of the legal profession in Mississippi be made each year, and that the results of this project be distributed to all members of the Bar;
4. That each member of the Mississippi State Legislature be personally informed by letter of the result of the poll conducted by the Junior Bar concerning the question of calling a Constitutional Convention;
5. That the entire Bar be polled in the early Fall of 1953 concerning raising the standards of admission to practice laws in this State;
6. That the incoming Officers and Executive Committee cooperate with the Junior Bar Conference of the American Bar Association in an effort to secure a greater membership of Mississippi Lawyers in that organization;
7. That the President of the Junior Bar Section, or some representative appointed by him, be sent by the Junior Bar Section to the annual meeting of the Junior Bar Conference of the American Bar Association, and that the transportation costs of the delegate to said meeting be paid out of the Junior Bar funds for that year.

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## REPORT OF THE SEVENTH ANNUAL LAW INSTITUTE (JR. BAR)

The program for the Institute was a "Medico-Legal Trial Clinic." This program was accepted with great response and interest and everyone who attended stated that it was one of the most interesting and educational programs

that has ever been presented under the co-sponsorship of the Jackson Junior Bar Association and the University of Mississippi School of Law.

The first lecture and demonstration was by Dr. Duane Forman, noted neuro-surgeon of Baton Rouge, Louisiana, who used slides, charts and diagrams to illustrate x-ray diagnosis of head injuries, fracture of skull, post-concussion syndrome, trauma and its relation to brain tumors, mental diseases attributed to trauma, traumatic neurosis and the problem of disability evaluation following head injuries.

The Friday afternoon discussion and lecture was by Dr. Thomas H. Blake, outstanding orthopedist of Jackson, Mississippi, who used slides, charts and diagrams in discussing normal x-ray anatomy of bones and joint, x-ray diagnosis of injury to vertebrae, rupture of intervertebral disk and its diagnosis, crushing and laceration of spinal cord and abnormal curvature of the spine.

The first lecture and demonstration for Saturday morning was by Dr. Sterling McNair, outstanding ophthalmologist, Jackson, Mississippi, who also used slides and drawings in his discussion of the anatomy of the eye, injury to the eye and various degrees of permanent injury caused by trauma.

The second lecture and demonstration was by the Honorable George E. Allen, an attorney of Richmond, Virginia, who discussed in detail the strategy and tactics used by him in securing a verdict in the amount of $230,000.00 against the Ford Motor Company for an injury to his client resulting from an automobile accident caused by defective parts in the steering mechanism of the automobile. This was an outstanding lecture.

A total of 175 attorneys attended the lectures for this Institute. The Institute which is held annually is a non-profit service to the Mississippi Bar. It is not our purpose to make money but to break even financially. The Seventh Annual Law Institute suffered a loss of $267.44. It is our purpose to provide the most interesting programs and best entertainment at the least possible cost for the members of the State Bar. With the continued support and interest of the members of the Bar, the Institute that is held each year can continue to be a great success.

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## REPORT ON THIRD ANNUAL LAWYERS' AND CERTIFIED PUBLIC ACCOUNTANTS' TAX INSTITUTE (JR. BAR)

The Third Annual Lawyers' and Certified Public Accountants' Tax Institute was held at Hattiesburg. This Institute was held on September 18th and 19th and was co-sponsored by the Mississippi Society of Certified Public Accountants and the Junior Bar Section of the Mississippi State Bar Association. The program of this Institute was devoted primarily to discussion of tax questions that confront both the accounting and legal professions, and material was covered that will be quite beneficial to all who were privileged to attend this Institute.

Mr. N. M. Morgan, C.P.A., of Jackson, Mississippi, gave a brilliant address dealing with the present status of exempt corporations, which address was recently published in the April 1953 issue of *Taxes, The Tax Magazine.* A very interesting address on capital gains and losses was presented by Mr. M. M. Winkler, C.P.A., of Tupelo, Mississippi. This address was published in the Fall 1952 issue of *The Mississippi Public Accountant.* The enlightening address of Mr. John L. Vavalora, C.P.A., New Orleans, Louisiana, was also published in the Fall 1952 issue of *The Mississippi Public Accountant.*

Other outstanding tax authorities who contributed to the success of the Tax Institute were Mr. E. E. Armstrong, C.P.A., of Shreveport, Louisiana; Mr. James L. Backstrom, Counsel, Southwestern Division, Appellate Staff, Bureau of Internal Revenue, Dallas, Texas; Mr. Troy G. Thurston, C.P.A., Indianapolis, Indiana; Mr. Edward Mezner, C.P.A., Rockford, Illinois; Mr. Kenneth G. Miller, Attorney and C.P.A., of Houston, Texas; Mr. Thomas O. Shelton, Jr., Attorney, of Dallas, Texas, and Joe Jack Hurst, Attorney, of Jackson, Mississippi.

The planning committee of the Institute was successful in obtaining some of the outstanding tax authorities in their respective fields and their subject matter was chosen with the objective of covering matters of current interest to the tax practitioners, dealing primarily with practice and procedure, recent development, tax practice and tax problems arising in general practice.

Currently, there is a movement underway by members of the Mississippi Society of Certified Public Accountants to hold their annual meeting immediately preceding the opening of the Tax Institute. This movement originated for the purpose of drawing a better attendance to the Institute from members of the Accountants' Society. Heretofore, it has been somewhat of a burden on the accountants to attend their Annual Meeting and the Tax Institute, as both have been held at approximately the same time of the year. There is also a movement underway to rotate the meeting places for the annual Tax Institute between Mississippi Southern College, University of Mississippi, and Mississippi State College. However, the present plans are to again hold the Institute at Mississippi Southern College this year, the rotation to begin the year following. These plans are, of course, tentative.

Both the Junior Bar and the Mississippi Society of Certified Public Accountants are soliciting suggestions and recommendations in regard to the next annual Tax Institute. The Tax Institute has proved to be an understaking worthy of our best efforts and your continued interest and cooperation is earnestly urged.

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## REPORT ON LEGAL AID, INC.

It is generally conceded that public and social responsibility demands that we provide the indigent with food, clothing, shelter and medical attention. The duty to provide legal assistance has not been as readily recognized. We are in a position to know that a lawyer can be as desperately needed as a doctor, that a broken contract can cause as much suffering as a broken leg. There are numerous agencies which administer to the physical needs of mankind. But to whom may the destitute turn for protection in their legal rights?

With this in mind, the Junior Bar President appointed a committee on January 8, 1952 to study the situation and examine the possibility of instituting a program in Jackson. The committees of the Hinds County and American Bar Association assisted in our planning and joined in our recommendations. Pursuant to resolutions the joint committee applied for and on July 11, 1952, was issued a charter by the state, creating a corporation entitled LEGAL AID. The charter states in part as follows:

> "A non-profit organization for the benevolent and charitable purposes of securing legal aid for all who are worthy thereof, but are unable to procure legal assistance elsewhere; of promoting measures insuring justice for the needy by protecting their legal rights and privileges; of acting in an advisory capacity to social agencies relative to the legal problems that they face in connection with those without means, whenever requested to do so; * * *"

We chose the corporate structure because it gives the service a perpetual existence and provides a means of efficient administration of the legal aid program and a responsible supervision of the office.

We received cooperation and assistance on every hand, from officials, organizations, laymen, and lawyers. Within a few months after we were authorized to proceed, a legal aid office was opened. It is a neat office in a brand new building directly across the street from the court house, fully equipped with a new desk, chairs, filing cabinet and book cases, filled with more than One Thousand Dollars worth of law books. It is air conditioned, and dictating machines and a full time stenographer are at the disposal of the office. The corporation was established and the services set out above were obtained at a total cost of $10.00. In addition we have the pledges of more than one hundred and fifty lawyers to serve this program in some capacity. This number is a

large majority of the active members of the Hinds County Bar. The Jackson Junior Bar and Hinds County Bar Associations have contributed the necessary funds for office expenses such as stationery and postage. The clerks of the various courts file all papers free and do not charge court costs. The West Publishing Company gave a new set of the *Mississippi Digest,* The Lawyers Co-Operative Publishing Company and the Bancroft-Whitney Publishing Company gave a set of *American Jurisprudence,* and the Harrison Company gave a set of the *Mississippi Code of 1942.*

The By-laws of the corporation provide that the business and property of the corporation shall be managed by a board of seventeen trustees. This board is made up of laymen as well as lawyers. We can furnish any of you who are interested with a copy of the charter and by-laws and other detailed information concerning the organization and operation of the program.

To provide legal services to the poor is not the duty of the Bar. It is the duty of the community, and we feel that the community should accept this responsibility by financing the Legal Aid program. We propose to advocate the acceptance of the program by the Community Chest or United Charities, for, to properly perform these duties in a large community, an attorney should be employed either full or part time. Our office is at present staffed by volunteers on a rotation basis. Due to the large number of lawyers participating, we have not had to call on a single volunteer for more than one afternoon of two to three hours service in the five months of operation. When the corporation becomes financially able, it will become a member of the National Legal Aid Association. In this way we will be able to take advantage of its many years of experience in this work. Mr. Emory Brownell, the nation's foremost authority on Legal Aid, has offered to speak to any interested group in Mississippi.

Thought and action should be given to the keeping of records. I say that because we gave this aspect a great deal of thought but very little action. I was then called on to make this report. The records of the office are complete as to forty-nine cases which have been handled to completion or near completion, beginning with the opening of the office on January 15, 1953, to June 1. I will not burden the report with lengthy statistics, but I would like to describe these cases in three respects. As to the sources: Twelve were referred by the Hinds County Welfare Department, seventeen by the Family Service Association, five by the Salvation Army, one by the Veterans' Administration, one by Alcoholics Anonymous, one by the City Youth Counselor, two by the courts, six by attorneys, and only four have sought assistance directly. I believe that this will demonstrate that the service has not been abused by the public. The types of problems may be roughly described as: Domestic, nineteen; social, thirteen; and economic, seventeen. The cases have been, or are being disposed of by: Consultation only, sixteen; consultation and negotiation, ten; through litigation, fifteen. None of the litigation has been contested or unduly complicated. Eight of the cases were directed to employ private counsel, since the client was in a position to pay a fee.

The idealistic part of legal aid deals with our duty toward our public responsibilities, and in my opinion legal aid is not only a good method of promoting public kindness as far as lawyers and their services are concerned, but it is an excellent opportunity for us to assist as much as possible in the administration of justice in the way in which we are most capable of presenting that service.

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## REPORT OF COMMITTEE ON UNAUTHORIZED PRACTICE OF LAW (JR. BAR)

The Junior Bar Committee on the Unauthorized Practice of Law has received during the past year no complaints specifically, and the Committee has taken no action as such. The Committee feels, however, that even though no specific complaints or grievances have been registered with it, the situation as to the unauthorized practice of law in the state is no less serious than it has

been before. This matter is one which the great majority of the members of our profession discuss and feel very strongly about but do little in the way of affirmative action designed to remedy.

It appears to the Committee that the real problem of the unauthorized practice of law can best be solved, and can only be solved, on the local level. It is incumbent upon the local bar associations and local attorneys to act on these violations as they occur in the various counties. This standing committee of the Junior Bar stands in readiness to assist in any way that they may any local bar association which might desire its assistance or counsel.

As usual, the chief offenders seem to be justices of the peace, accountants, real estate agents, bankers, and chancery clerks, as well as other public officials. There has been some criticism of title companies, though violations in this field appear to be diminishing. In certain counties in the state, the chancery clerks are engaged in wholesale writing of deeds, deeds of trust, wills and other instruments of legal tenor. The chairman of the committee obtained certain opinions from the Attorney General of the State of Mississippi, with respect to the action of the chancery clerks, etc., in writing deeds, etc. In a letter to a certain chancery clerk, dated November 13, 1950, he said this:

> "Section 8669, Code of 1942, prohibits the Clerk of any Court from exercising the profession of an attorney or to be in the practice of law. Section 8682, Code of 1942, provides that it shall be unlawful for a person to engage in the practice of law in this state who has not been licensed according to law. The last mentioned section expressly provides that any person who shall write or dictate any bill of sale, deed of conveyance, deed of trust, mortgage, contract, etc., shall be held to be engaged in the practice of law. In view of these statutes, it is my opinion that any preparation of deeds, deeds of trust, and similar instruments by the chancery clerk is unlawful and is prohibited by the provision of Section 8669, Code of 1942, and also by Section 8682, Code of 1942, in the event the chancery clerk has not been duly licensed to practice law."

The Committee believes that the violators are in the minority; however, your Committee believes that, as officers of the court and as attorneys and as a Bar Association, it is our duty and responsibility to the general public and to our honored profession to prohibit the practice of law by all those who are not qualified by the exacting educational requirements for admission to the Bar to be attorneys. It has truly been said that a little learning is a dangerous thing, and an unqualified, untrained layman who attempts to prepare documents of legal significance places the person for whom he is preparing such instruments in a most disadvantageous position and exposes him to grave dangers unknown and unforeseen and, of course, not calculated by the drafter of that instrument. It is in the interest of the people, primarily, that the preparation of the instruments heretofore mentioned be restricted to those of legal training, and who have been admitted to the Bar.

Your Committee submits for the consideration of the Junior Bar the following recommendations:

1. That local bar associations sponsor and actively participate in organizing meetings wherein the most common unauthorized practitioners are invited and requested to attend. At such meetings it is proposed that the law be fully explained to these people and that they be urged to cease and desist from their violations of the law.

2. It is suggested that the Bar Association bear the expense of having printed certain posters and other signs to be placed in the offices of the chancery clerks and in other places where violations have previously occurred, the said signs explaining the law and advising the officer concerned or the official involved cannot further perform legal services.

3. The Committee recommends that the local bar associations actively support a program designed to publicize the pitfalls resulting from unauthorized practice of law and informing the general public of the existing statutes in that behalf.

4. Local bar associations and the State Bar Association should endeavor to arrange for the participation of attorneys on the programs of various local civic groups and in state and regional meetings of the various groups concerned with this problem.

5. The Committee recommends that the Bar Association assume the responsibility of assisting any local bar association or attorneys who might bring legal proceedings against some offending public official or business person.

6. The Committee lastly recommends that strong action be taken where necessary to halt the unauthorized practice of law. It appears that the Bar Association needs to do less discussing of this problem, and more toward its eradication.

# APPENDIX B

## DIRECTORY
## MISSISSIPPI STATE BAR
## AUGUST 12, 1953

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133 E. Commerce St.
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D. W. Houston, Jr.
Watkins Bldg.
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McDuffie Bldg.
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Tom F. Paine
Paine Bldg.
Robert D. Patterson
Box 136
Sam Richard Smith
Box 682
Johnny N. Tackett
John S. Therrell, Jr.
Box 424
William S. Turner
Box 386

### ACKERMAN

Jack B. Carlisle
William Dewitt Coleman
James Dennis Dobbs
Robert E. Nason
Bennett Edwin Smith

### AMORY

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J. O. Prude
D. Houston Streetman
Jack N. Thomas
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Griffin Bldg.

### ASHLAND

John B. Farese
L. Hamer McKenzie

### BALDWIN

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Federal Judge
W. H. Cox
M. Paul Haynes

### BATESVILLE

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J. B. Boyles
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Tr. Co. Bldg.
W. J. Gex
Merchants Bank &
Tr. Co. Bldg.
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Cornelius Joseph Ladner
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Dan M. Russell, Jr.

### BAY SPRINGS

Wm. Harrison Alexander
J. A. McFarland, Jr.
Robert H. McFarland
O. M. Oates
Roy L. Osborne
J. Larry Thompson
J. E. Ulmer, Jr.

### BEAUMONT

John M. Dunnam, Jr.

### BELMONT

L. P. Allen, Jr.

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Harvey G. O'Conor
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Hugh R. Varnado
Box 277
Lucian R. Wadlington
Dave Womack
W. D. Womack, Jr.

### BEULAH

Dixon Dossett

### BILOXI

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Peoples Bank Bldg.
L. H. Doty
1730 W. Beach
L. A. Gilly, Jr.
Barq Bldg.
Leslie B. Grant
Circuit Judge
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First Bank of Biloxi Bldg.
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Thomas L. Wallace
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Circuit Judge
E. K. Windham

## BRANDON

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John C. Murray, Jr.
Box 7
J. David Williams

## BROOKHAVEN

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E. C. Barlow
State Bank & Trust Co. Bldg.
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Tullius Brady
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Charles Emmette Brennan
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E. F. Brennan
Box 9
Mike L. Carr, Jr.
Box 263
Buell R. Carty
Perkins Bldg.
Box 677
William P. Cassedy
Perkins Bldg.
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Panzica Bldg.
H. W. Hobbs
Panzica Bldg.
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Henry W. Hobbs, Jr.
Box 356
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R. L. Jones
State Bk. & Tr. Co. Bldg.
J. F. Noble, Sr.
Box 4
James F. Noble, Jr.
Box 4
Mildred Norris
Inez Hotel
Robert P. Phillips
Storm Bldg.
Elsie Cambre Purser
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Brady Bldg.
R. E. Stratton, III
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Swalm Bldg.
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## CALHOUN CITY

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E. L. Lamar
Paul M. Moore
A. T. Patterson

## CAMDEN

Edgar Lee Walker

## CANTON

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James Manning Cain
Robert Cain, Jr.
William Sterling Cain
Nelson R. Cauthen
Hermon Dean
Joseph R. Fancher, Jr.
J. M. Greaves
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Clinton Gay Herring
First Nat'l Bk. Bldg.
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Josephine Hood
H. T. Huber
D. C. McCool
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Percy F. Parker
Robert H. Powell
Box 245
Robert H. Powell, Jr.
Box 245
Tip Ray
R. H. Shackleford
L. G. Spivey
J. Collins Wohner

## CARROLLTON

Maurice R. Black

## (NO.) CARROLLTON

J. C. Neill
W. C. Neill
Peoples Bk. & Tr. Co.

## CARTHAGE

Joe Paschal Barnett
O. H. Barnett
Tom J. Barnett
Harold W. Davidson
Earl Leroy Grimes
J. O. Hollis
Capt. E. Bonnie Mills
J. H. Sasser
J. E. Smith
A. M. Warwick
Marvin T. Wooten

## CENTREVILLE

James W. Leake
Box 9507

## CHARLESTON

James A. Blount
J. H. Caldwell, Jr.
Box 112
George P. Cossar

## CLARKSDALE

William Luther Birdsong
Box 667
M. D. Brett
Box 722
E. Cage Brewer, Jr.
Box 306

Ed C. Brewer
Box 306
Vincent J. Brocato
McWilliams Bldg.
Rodney Brooks
Coahoma Co. Bank Bldg.
K. A. Carney
Aubrey O'Neil Clement
Stevens Bldg.
John W. Crisler
319-20 McWilliams Bldg.
Chester Harris Curtis
Box 368
Jay Gore, Jr.
Box 306
Edward Bibb Hill, Jr.
Stevens Bldg.
Paschal D. Holcomb
Box 368
Joe W. Hopkins
Box 382
R. H. Kirby
C. S. Longino
Stovall Lowery
McWilliams Bldg.
Semmes Luckett
121 Yazoo Ave.
William O. Luckett
Box 306
Mitchell M. Lundy
130 Pecan St.
Joseph B. Mackey
Box 8
Fletcher F. Maynard
Box 480
G. F. Maynard, Jr.
Box 480
William H. Maynard
Box 480
Leighton S. Miller
Box 715
T. H. Pearson
330 Oakhurst
Leon L. Porter, Jr.
Box 304
J. L. Prude
Box 774
Jack L. Ritter
Box 368
J. Lake Roberson
121 Yazoo Ave.
Shed Hill Roberson
121 Yazoo Ave.
Harvey T. Ross
Box 339
Tom T. Ross
Box 339
Glover A. Russell
Box 366
Lester M. Sack
Box 626
Abe Sherman
421-22 McWilliams Bldg.
J. M. Talbot
McWilliams Bldg.
Harley A. Weeks, Jr.
U. S. F. & G. Co.
McWilliams Bldg.
E. F. Whittington
Box 181
Howard G. Woodward
216 Stevens Bldg.
E. M. Yerger
201 McWilliams Bldg.

## CLEVELAND

W. B. Alexander
William B. Alexander, Jr.
William H. Bizzell
Box 1031
H. F. Causey
Ancil L. Cox, Jr.
C. J. Craggs
C. H. Crump
Joseph C. Feduccia
Ed H. Green
Circuit Judge
Lonnie E. Griffith
Robinson Building
Robert Milton Hytken
Box 367
Robert E. Jackson
Chancellor
R. E. Jackson, Jr.
Charles C. Jacobs, Jr.
W. D. Jones
Alfred A. Levingston
Box 1031
Wm. E. O'Hare
Box 630
W. W. Simmons
Albert Benjamin Smith, Jr.
Owen Bldg.
John T. Smith
Box 630
Abe D. Somerville
Box 387
A. B. Sparkman
Carmon E. Valentine
127 South Court St.
Frank O. Wynne, Jr.

## CLINTON

Frank S. Cannon
Box 6

## COFFEEVILLE

J. P. Stone
W. I. Stone

## COLLINS

E. L. Dent
W .W. Dent
George E. Gleason
J. D. Kervin, Jr.
John K. Keyes
Hugh McIntosh, Jr.
Bonnie Smith

## COLUMBIA

Vernon H. Broom
Rankin Bldg.
Bernard Callender
310-12 Newsom Bldg.
C. E. Conner
James Seaborn Dale, Jr.
Watts Bldg.
Box 603
R. H. Dale
Sebe Dale
Circuit Judge
James R. Davis
Box 129
Roy J. Goss
210-11 Newsom Bldg.
Toxey Hall
310-12 Newsom Bldg.
Kelly J. Hammond
Box 569
Michael H. Lawless
White Bldg.
Henry Mounger
Suit 216, Newsom Bldg.
Henry E. Pope
Box 569
Ben Mounger Rawls
H. C. Rawls
H. Phillip Singley
309 Newsom Bldg.
Fred Philip Talmadge
Pope Bldg.

## COLUMBUS

William Ellis Bearden, Jr.
518½ 2nd Ave., N.
William G. Burgin, Jr.
516 2nd Ave., N.
H. T. Carter
522 2nd Ave., N.
John F. Frierson
Box 744
John H. Holloman
512 2nd Ave., N.
W. H. Jolly
514 2nd Ave., N.
Roger Carlton Landrum
T. W. Lewis, Jr.
Box 152
Ben Owen
508-10 Second Ave., N.
J. O. Sams
514 2nd Ave., N.
John F. S. Sims
1224 N. 11th Ave.
W. L. Sims
1124 N. 11th St.
Douglas Clyde Stone
Commercial Dispatch
Bldg.
R. C. Stovall
Box 591
W. J. Threadgill
512 2nd Ave., N.

Richard L. Watson
1309 4th Ave., N.
Robin Weaver
Box 253

## CORINTH

W. C. Adams
King Hayes Callicut
c/o Carey Stovall
H. A. Hopper
Frank K. Hughes
715 Foote St.
Ely B. Mitchell
Joe B. Mitchell
Rubel Lex Phillips
Box 906
James E. Price, Jr.
Box 866
H. M. Ray
Box 907
William L. Sharp
Robert L. Shirley
304 Childs St.
O. R. Smith
201 Chambers-Liddon Bldg.
Box 488
Carey Stovall
201 Chambers-Liddon Bldg.
N. S. Sweat
N. S. Sweat, Jr.
W. C. Sweat
W. C. Sweat, Jr.
B. F. Worsham
Box 146

## CRAWFORD

Brown C. Hairston

## CRYSTAL SPRINGS

Willie M. Broome
Wm. D. Carmichael
Harry Ross, Jr.
Laurin W. Ware
Box 246

## DARLING

Victor R. Blaine

## DECATUR

Cary Egbert Bufkin
Route 3
R. H. Day
William H. Johnson, Jr.
Box 171

## DEKALB

J. H. Daws
J. T. McCully
Box 1456
Helen J. McDade
Box 1562
Louie P. Spinks
Box 1476

## DREW

O. M. Marsalis
Pascal J. Townsend, Jr.
Merchants & Planters Bk. Bldg.

## DURANT

William E. Cresswell
Box 306
Carl F. Drake
Calvin R. King
Box 91
S. R. King
James A. White

## EDWARDS

John M. Kendrick

## ELLISVILLE

Glender Dennis
Geo. D. Maxey
Box 355
L. K. Saul

## EUPORA

J. E. Eudy
W. D. Gary
J. R. Griffin
Walter B. Meek
R. P. Sugg
Chancellor

## FAYETTE

Harry L. Corban
R. L. Corban, Jr.

## FOREST

T. Marx Huff
Box 179
William A. Huff
Box 179
Osborn Guyton Idom
James Walter Lee
Box 115
Roy Noble Lee
Howard B. McCrory
F. F. Mize
R. L. Nichols
Box 179
Roby L. Stegall
Wm. Carl Thompson
O. B. Triplett, Jr.
Box 247

## FULTON

J. H. Brown
Herman Camp
A. T. Cleveland
W. L. Elledge
Percy A. Martin
Box 91
Royce L. White

## GLOSTER

James G. Anders
Fred A. Anderson
J. T. Lowrey
Joe Upton

## GREENVILLE

S. V. Anderson
Weinberg Bldg.
Thomas A. Bell
1208 Lewis St.
Edward J. Bogen
Weinberg Bldg.
Roy D. Campbell
203 Weinberg Bldg.
Geo. L. Cottingham, Jr.
Greenville Buick-Pontiac Co.
Howard Dyer, Jr.
326 Weinberg Bldg.
Kenneth F. Edwards
Weinberg Bldg.
Box 216
H. P. Farish
Weinberg Bldg.
Holland O. Felts
Box 298
Joe Ivy Gillespie
429 Weinberg Bldg.
Jerome S. Hafter
429 Weinberg Bldg.
Emmet Harty
205-08 Weinberg Bldg.
William C. Keady
203 Weinberg Bldg.
Ernest Kellner
Weinberg Bldg.
Ernest Kellner, III
Weinberg Bldg.
Raymond V. Kimble, Jr.
205-08 Weinberg Bldg.
J. A. Lake, Jr.
429-432 Weinberg Bldg.
Joseph W. Lloyd
307 Weinberg Bldg.
Robert T. Love
Box 650
Thomas J. Mallette
203-04 Weinberg Bldg.
Box 127
Philip Mansour
Weinberg Bldg.
Box 561
W. M. McGough
Weinberg Bldg.
W. L. McIlwain
114 N. Shelby St.
Samuel Ira Pittman, Jr.
419 Weinberg Bldg.
Zelma Price
114 N. Shelby St.
Eugene J. Raphael
Weinberg Bldg.
Box 314

James Robertshaw
Weinberg Bldg.
Box 24
George Ramsey Russell
Weinberg Bldg.
Capt. Geo. J. Schweizer, Jr.
851 McAllister Ave.
Laurance J. Sievers
418 Weinberg Bldg.
Earl Solomon
Weinberg Bldg.
E. B. Taylor
Leyser Bldg.
Box 528
S. B. Thomas
Chancellor
W. S. Thompson
Weinberg Bldg.
Charles S. Tindall, Jr.
429 Weinberg Bldg.
Charles W. Wade
Leyser Bldg.
John C. Webb
211 Weinberg Bldg.
Burwell B. Wilkes
416 Weinberg Bldg.
Joseph E. Wroten
Box 203
William T. Wynn
429 Weinberg Bldg.

## GREENWOOD

Edward J. Antoon
Box 417
A. H. Bell
Box 657
William H. Braden
903 Grand Blvd.
Norman C .Brewer
Arthar Bruce
Box 442
J. G. Colson
John J. Fraiser, Jr.
Courthouse
W. M. Hamner
Old Bank of Leflore Bldg.
Willie J. Heckler
1107 Mississippi Ave.
Means Johnston
Whittington Bldg.
Sam B. T. Jones, Jr.
c/o U. S. F. & G. Co.
Room 5, Wright Bldg.
Arthur Jordan
Circuit Judge
William Lynn Jordan
Box 263
O. L. Kimbrough
Box 516
W. H. Lott
R. Cunliffe McBee
Box 657
George Hite McLean
Box 516
Pearl McLellan
1300 Strong Ave.
Gerald J. Montgomery
Paul D. Montjoy
Box 674
W. H. Montjoy
Box 906
Yerger Morehead
Frank K. Odom
Box 674
H. T. Odom
Porter Peteet
James M. Pierce
Box 407
M. F. Pierce
Wright Bldg.
Charles Pollard
Old Bank of Leflore Bldg.
D. G. Soper
Box 622
Alfred Stoner
Nelson E. Taylor
Box 865
D. Seth Wheatley, Jr.
115 Howard St.
William M. Whittington
W. M. Whittington, Jr.
Fred Witty
Box 912

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James Franklin Bickers
Box 249
A. M. Carothers
McLean Bldg.
Dave W. Dogan, Jr.
U. S. Engrs. Project Offices
Bradford Dye
Box 917
Wm. H. Fedric
Roane Bldg.
Cowles Horton
First Street
F. C. Horton
First Street
William A. Lomax
Grenada Bank Bldg.
Hugh H. Lumpkin
William O. Semmes
Box 240
Marshall Perry
Evans Building
William F. Winter
Star Route 1

## GULFPORT

Bidwell Adam
310 Hewes Bldg.
E. J. Adam, Jr.
300 Hewes Bldg.
Robert B. Adam
310 Hewes Bldg.
Frank W. Alexander
Hewes Bldg.
Robert A. Anderson
1015 33rd Ave.
Jo Drake Arrington
411 Hewes Bldg.
Jarold Robt. Barber, Jr.
Box 1023
Reece O. Bickerstaff
Salloum Bldg.
Ray Bryant
Suite 5, Salloum Bldg.
R. R. Buntin
504 Hewes Bldg.
Everett E. Cook
24th Ave.
Box 135
Bruce C. Cornell
506 Hewes Bldg.
David Cottrell, Jr.
Hatten Bldg.
Archie L. Dickson, Jr.
Box 630
James Samuel Eaton
Hatten Bldg.
G. E. Estes, Jr.
1423 24th Ave.
William Estopinal
Medical Bldg.
Jason H. Floyd
Hatten Bldg.
Box 142
E. J. Ford, Jr.
201 Hatten Bldg.
Charles R. Galloway
304 Hewes Bldg.
John M. Gardner
206-07 Northrop Bldg.
D. M. Graham
Medical Bldg.
D. M. Graham, Jr.
Medical Bldg.
P. D. Greaves
408-10 Hewes Bldg.
Buchanan Heiss
1625 19th Ave.
Gaston H. Hewes
Hewes Bldg.
William G. Hewes
Hewes Bldg.
Box 454
A. C. Hutto
2416 13th St.
Charles E. Kennedy
203 Barrett Bldg.
Eaton A. Lang, Jr.
207 Northrop Bldg.
Edw. M. Lindsey
Box 323
English Lindsey
Hewes Bldg.
Ewart G. Lindsey
Luther W. Maples
26th Avenue
Ernest G. Martin, Jr.
Box 985

R. B. Meadows
Hewes Bldg.
Sidney C. Mize
Federal Judge
Webb Mize
404-07 Hewes Bldg.
George E. Morse
Hatten Bldg.
Stanford E. Morse
Hatten Bldg.
Stanford E. Morse, Jr.
Hatten Bldg.
George F. Murrell
Hewes Bldg.
William R. Owings
Box 711
Owen T. Palmer, Jr.
2209 14th St.
J. C. Ross
308-09 Hewes Bldg.
Box 178
D. M. Russell, Sr.
Chancellor
John W. Savage
303-04 American Legion Bldg.
Donald O. Simmons
Box 575
J. U. Simmons
Box 575
J. U. Simmons, Jr.
Box 575
George R. Smith
Legion Bldg.
George R. Smith, Jr.
American Legion Bldg.
Robert W. Thompson, Jr.
400-408 Hewes Bldg.
Francis McRae Turner
Office of General Manager
Miss. Power Co.
Harry G. Walker
2801 25th Ave.
R. A. Wallace
408 Hewes Bldg.
Douglas Knox White
Abstract Bldg.
Neil W. White
Box 144
T. J. White
Box 373
W. H. White
Abstract Bldg.
Marguerite L. Williams
1805 19th Ave.

## HATTIESBURG

J. S. Albritton
Geiger Bldg.
Cephus Anderson
316 Forrest St.
Lawrence Arrington
Box 1292
Bruce C. Aultman
411 Carter Bldg.
B. H. Baker
Box 801
Latson D. Beard
116 Kimball Ave.
Roy A. Bennett
325 West 4th St.
Irving H. Buchalter
295 14th Ave.
J. M. Byrd
Carter Bldg.
Thomas P. Caldwell
Box 1368
Robert L. Calhoun
Box 461
Lester Clark
Magnolia State Bldg.
Thurman L. Clark
Box 1391
Dudley W. Conner
Conner Bldg.
Harold B. Cubley
Box 969
E. J. Currie, Jr.
Ross Bldg.
George W. Currie
510-12 Ross Bldg.
George C. Curry
Box 1029
Overton A. Currie
119½ W. Front St.
Box 1
Daniel W. Dabbs
Box 529
T. Price Dale
Geiger Bldg.
T. W. Davis, Jr.
Box 529
Wm. F. Dukes
500 Tuscan Ave.
James Finch
Citizens Bank Bldg.
E. C. Fishel
316 Ross Bldg.
Lawrence Y. Foote
First Nat'l Bank Bldg.
Davis T. Fortenberry
411 Carter Bldg.
Evelyn Gandy
Box 526
Herbert R. Ginsberg
130½ E. Pine St.
Reginald A. Gray, Jr.
507-10 Carter Bldg.
Julius W. Grubbs
Box 485
Wallace R. Gunn
300 Forrest St.
Box 1174
Stanton A. Hall
617 Main St.
William Haralson
Courthouse
F. C. Hathorn, Jr.
Rowland W. Heidelberg, Jr
501-03 Citizens Bank Bldg.
Lamar Henington
801 Newman St.
Box 1429
Paul B. Johnson, Jr.
130½ E. Pine St.
W. Arlington Jones
Carter Bldg.
Andrew D. Katz
403 S. Main St.
Box 803
A. F. Kelly
Geiger Bldg.
Carl W. Kepper
Box 430
Joe R. King
304-05 Citizens Bank Bldg.
Box 227
Alvin N. London
Frank D. Montague, Jr.
507-10 Carter Bldg.
J. Martin Mooney
416 Ross Bldg.
Alfred Moore
111½ E. Front St.
Box 95
C. M. Morgan, Jr.
316 Forrest St.
Box 343
Forrest M. Morris, Jr.
215 E. Front St.
Wm. H. Morrow
Box 567
William V. Murry
204 Conner Bldg.
Thomas D. Ott
Citizens Bank Bldg.
Claude F. Pittman
Box 227
Claude F. Pittman, Jr.
Box 227
Homer Pittman
Box 227
Moran M. Pope, Jr.
Box 1463
M. M. Roberts
Citizens Bank Bldg.
Robert H. Rollings
623 N. Main St.
Phillip Rolls
Central Bldg.
W. L. Shappley
Box 6
James Simrall, Jr.
411 Carter Bldg.
Luther A. Smith
Chancellor
Ben Stevens
Baldwin Bldg.
Joseph Harvey Stevens
Box 1381

C. W. Sullivan
Carter Bldg.
R. M. Sullivan
Box 648
T. Harris Sullivan
Ross Bldg.
Dan Gary Sutherland
617 Main St.
De Quincy V. Sutton
Geiger Building
Joe Avery Thompson
Humble Oil & Rfg. Co.
Box 1368
J. Kearney Travis
Box 590
Citizens Bank Bldg.
T. J. Wills
Ross Bldg.
Earle L. Wingo
Citizens Bank Bldg.
Elliott T. Wooten
350 11th Ave.
Glenn C. Young
206 Michael Bldg.
Francis T. Zachary
112½ E. Pine St.
Box 24

## HAZLEHURST

Stephen Ellis Allen, Jr.
John T. Armstrong
Bank of Hazlehurst Bldg.
Ethel R. Arrington
Box 5
R. O. Arrington, Jr.
Box 5
Donald C. Cooley
Box 388
J. F. Guynes
Chancellor
W. S. Henley
Box 509
Harry O. Hoffman, Jr.
Bank of Hazlehurst Bldg.
W. Roger Jones
Box 509
Carroll Kemp
Wilson Bldg.
Benjamin King
Julius L. Lotterhos
Box 509
Lena C. Zama

## HERNANDO

P. H. Bowdre
Gerald W. Chatham
Boyce Lee Garner
F. C. Holmes, Jr.
H. Grady Johnston
R. F. B. Logan
Joel P. Walker
W. E. Wilroy
Box 5

## HICKORY

John A. Boutwell
Box 65
W .M. Everett
S. E. McGee

## HOLLANDALE

Paul N. Nunnery
Box 333

## HOLLY SPRINGS

Fred M. Belk
John W. Bryant, Jr.
Fred M. Bush, Jr.
Box 377
Wall Doxey, Jr.
Lester G. Fant, Jr.
Daniel Penick Gholson
Sidney L. Hurdle
First State Bank Bldg.
George Rather, II
L. A. Smith, Jr.
First State Bank Bldg.

## HOUSTON

H. B. Abernethy
W. W. Brand
Box 128
A. E. Hawkins
C. H. McCraine, Jr.

## INDIANOLA

B. B. Allen
Richard McNeil Allen
Billy Klingman Chapman
Peoples Bank Bldg.
A. B. Clark
Box 229
Arthur B. Clark, Jr.
Box 229
Robert D. Cohn
Forrest G. Cooper
Peoples Bank Bldg.
Howard Q. Davis
R. Wesley Featherstone
Peoples Bank Bldg.
J. M. Forman
Jack E. Harper, Jr.
Peoples Bank Bldg.
Joseph L. Herring
Box 271
Gordon L. Lyon
J. H. Price
J. H. Price, Jr.
David M. Quinn, Jr.
Stanny Sanders
Oscar B. Townsend

## ITTA BENA

Cleveland Davis
Box 98
Perry W. Morton
Box 82

## IUKA

J. O. Clark
J. D. Finch
Cecil Lamar Sumners

## JACKSON

Lee B. Agnew
417½ E. Capitol
Lee R. Aitchison
502 E. Pearl St.
H. Chalmers Alexander
Century Bldg.
Chalmers W. Alexander
City Hall
James A. Alexander
Box 977
James A. Alexander, Jr.
Box 977
Julian P. Alexander, Jr.
Box 1367
Paul Gilbert Alexander
1013 Dep. Gty. Bk. Bldg.
Cecile Cambre Alford
1336 Olive St.
Sam S. Allred
Box 651
R. Olney Arrington
Asso. Justice Supreme Court
New Capitol
B. G. Austin
516 E. Pearl St.
Ralph B. Avery
Plaza Bldg.
William A. Bacon
Plaza Bldg.
Louis G. Baine, Jr.
Box 172
Jos. A. Baker
1409 Poplar
Charles T. Barber
1211 Kenwood Place
Box 1734
J. S. Barbour
Box 1818
Henry Barksdale
416 Plaza Bldg.
James A. Barnett
414½ E. Capitol
Ross R. Barnett
414½ E. Capitol St.
John S. Beach
Barnett-Madden Bldg.
Loyd Lamar Beacham, Jr.
822 Plaza Bldg.
Walter Berry
c/o Cabell Electric Co.
Robert A. Biggs, Jr.
Box 1370
Louis S. Bills, Jr.
620 Plaza Bldg.
Richard A. Billups, Jr.
520 N. President

Capt. Samuel E. Birdsong
4047 Pinehill Dr.
Walter R. Bivins
235 Cooper Rd.
William P. Black
421 Vardaman St.
E. L. Bond
321 Swanee Dr.
James A. Boone
Box 3035
West Jackson
Carl C. Bostic
414½ E. Capitol St.
Francis S. Bowling
414½ E. Capitol St.
Mack L. Boykin
Box 1231
Audrey W. Brand
428 Claiborne
S. M. Brand
117 S. Farish St.
J. R. Brannon
133 South Lamar St.
Thomas S. Bratton
1st Fed. Svgs. & Loan Bldg.
Dan E. Breland
408 Lamar Life Bldg.
Box 1945
Harmon W. Broom
418½ E. Pearl
Box 1275
Henry N. Brown, Jr.
240 Ridge Drive
James T. Brown
First Nat'l Bk. Bldg.
Box 330
R. Jess Brown
1527 W. Pearl St.
Harry M. Bryan
524 E. Capitol St.
Clifton E. Bryant
3553 W. Capitol St.
James D. Buford
Plaza Bldg.
Box 1172
Kenneth E. Bullock
Box 1020
Walter Earl Bullock
Governor's Office
John G. Burkett
Box 714
Robert Burns
Box 330
Charles W. Busby
Barnett-Madden Bldg.
George H. Butler, Jr.
Dep. Gty. Bank Bldg.
Box 141
W. G. Byars
1716 Lyncrest
J. L. Byrd
1007-10 Dep. Gty. Bank Bldg.
Box 157

T. Eugene Caldwell
401 Barnett-Madden Bldg.
Box 1704
Edwin Calhoun
726 N. Jefferson St.
Robert C. Cannada
623 Plaza Bldg.
Robert Taylor Carlisle
Box 3035
West Jackson
Charles Arlin Carter
715 Plaza Bldg.
Wm. O. Carter, Jr.
1007-10 Dep. Gty. Bank Bldg.
Box 157
Hugh Craig Castle, Jr.
413 Barnett-Madden Bldg
Edward Lawson Cates
3929 Greaves St.
Paul Chambers
1007 Dep. Gty. Bank Bldg.
Box 157
Reynolds S. Cheney
801 Plaza Bldg.
Box 1666
W. M. Childress
513½ E. Capitol
Bernard W. N. Chill
Dep. Gty. Bank Bldg.
Charles Clark
Box 158
G. C. Clark, Jr.
107 Electric Bldg.
H. M. Clark
135 Armadale St.
Percy Clifton
1st Fed. Svgs. & Loan Bldg.
J. W. Cocke
1004 Dep. Gty. Bank Bldg.
Marvin A. Cohen
507 Dep. Gty. Bank Bldg.
Curtis E. Coker
Box 2061
James E. Cole
Box 6041, Parkway Sta.
Irwin W. Coleman
Box 3035
West Jackson
J. P. Coleman
Attorney General
New Capitol
Aline J. Collum
416 Plaza Bldg.
W. D. Conn, Jr.
209 Lamar Life Bldg.
James O. Conner
Box 504
Henry D. Cook
Clinton Blvd.
Route 6, Box 38

William Harold Cox
1109-10 Dep. Gty. Bank Bldg.
John A. Craig
736 Eagle Ave.
Marvin Crawford
228 Stonewall
Rufus Creekmore
Plaza Bldg.
Wade H. Creekmore
214 First Federal Annex Bldg.
525 East Capitol St.
Alfred Nicols Crisler
617-20 Barnett-Madden Bldg.
Bert Crisler
311 Dep. Gty. Bank Bldg.
Charles W. Crisler, Jr.
617-20 Barnett-Madden Bldg.
Earl R. Cruthirds
417½ East Capitol St.
E. H. Cunningham
Box 1593
R. E. Cunningham
1029 North Congress St.
Joe H. Daniel
1002 Dep. Gty. Bank Bldg.
Box 2061
R. A. Darden
644 Choctaw Rd.
Thomas Edwin Davidson
Box 2473
J. Lowrey Denman, Jr.
211 Barnett-Madden Bldg.
H. G. Deterly
236 Mount Vernon St.
Ruth M. Deterly
236 Mount Vernon St.
Albert Dickens, Jr.
1211 Plaza Bldg.
R. R. Dinsmore,
Chief Att'y.
Veterans Administration
J. Hubern Dodd
1173 Arbor Vista
W. B. Dorsey
745 Alvaredo St.
Colbert Dudley
130 Santa Clair
Vardaman S. Dunn
Plaza Bldg.
P. H. Eager, Jr.
Plaza Bldg.
Lamar F. Easterling
1406 Dep. Gty. Bank Bldg.
Henry Edmonds
Box 481
Allen T. Edwards
236 West Capitol St.
Ernest Ray Edwards
814 Plaza Bldg.

George H. Ethridge
741 North Congress St.
W. N. Ethridge, Jr.
Asso. Justice Supreme Court
New Capitol
Jack H. Ewing
1117 Plaza Bldg.
William R. Ewing
c/o Veterans Administration
Bethel Ferguson
c/o Miss. Power & Light Co.
Henry Grady Flowers
Box 609
Henry A. Fly
State Tax Commission
W. B. Fontaine
1502 Dep. Gty. Bank Bldg.
Barbara S. Fortenberry
1001 Euclid Ave.
J. B. Franklin
Medical Bldg.
J. E. Franklin
1411 Dep. Gty. Bank Bldg.
Lawrence C. Franklin
503 First Nat'l Bank Bldg.
Lester C. Franklin, Jr.
Asst. Att'y.-Gen.
New Capitol
Tho. Billy Gambrell
632 Buena Vista
John D. Gautier
520 North President St.
Martha Gerald
Box 158
Hugh B. Gillespie, Jr.
412 Barnett-Madden Bldg
William F. Goodman
Box 650
Chas M. Gordon
209 Lamar Life Bldg.
L. E. Gordon
Box 850
W. E. Gore
Box 186
Weaver E. Gore, Jr.
Box 186
Robert S. Graham
Box 1841
R. Gordon Grantham
1206 Standard Life Bldg.
Chas. L. Graves
101½ E. Griffith
Elizabeth W. Grayson
Plaza Bldg.
Garner W. Green, Jr.
801 Plaza Bldg.
Garner W. Green
801 Plaza Bldg.

Joshua Green
Box 1666
Pink C. Griffin
Box 607
P. J. Griffin
1727 Piedmont
V. A. Griffith
Woolfolk Building
John M. Grower
Millsaps Bldg.
Carl E. Guernsey
510 E. Pearl St.
Claude W. Guice
4220 W. Capitol St.
Charles C. Hairston, Jr.
Box 3035, West Jackson
Doric D. Hakes
209 Wilshire Dr.
Carsie A. Hall
540 N. Farish
Lee D. Hall
Asso. Justice Supreme Court
New Capitol
George S. Hamilton
Route 3, Box 215
Richard B. Hamilton
242 Wacaster St.
Robert B. Hamilton
513½ E. Capitol St.
William J. Hamm
Box 96
A. Y. Harper
Standard Life Bldg.
Box 1545
Charles Edward Harper
4647 Estelle Drive
Matthew Harper
Asst. Atty.-Gen.
New Capitol
W. R. Harris
Box 3035
West Jackson 7
Robert W. Hartford
1421 North West St.
Robert E. Hauberg
Box 2091
George Ben Hawkins
Box 4406
George W. Haynes
401 Barnett-Madden Bldg.
Box 1704
T. H. Hedgepeth
Dep. Gty. Bk. Bldg.
Cecil F. Heidelberg, Jr.
1502 Dep. Gty. Bank Bldg.
Leon F. Hendrick
503 East Amite St.
Box 1947
Charles B. Henley
Box 2123
John T. Hill
824 Lakeland Drive

Thomas J. Holifield
129 Del Rio St.
Clarence H. Holland
Woolfolk State Office Bldg.
Box 79
E. R. Holmes, Jr.
821 Plaza Bldg.
James G. Holmes
Asso. Justice Supreme Court
New Capitol
Hugh Sam Hopkins
1101 Plaza Bldg.
Leo Horan
Box 173
W. T. Horton
Box 1832
James R. Houston
516 East Pearl Street
Homer Lee Howie
535 College St.
Joseph Howie
308 Dep. Gty. Bk. Bldg.
Philip D. Hughes
152 Treehaven
Joe Jack Hurst
Lamar Bldg.
Box 158
Harvey H. Hutchins
151½ E. Capitol St.
Cecil E. Inman
Plaza Bldg.
F. B. Jackson
Century Bldg.
Lavonia Jiggitts
920 Pinehurst St.
Barrett Jones
Box 1697
Bernard M. Jones
Box 8566, Station D
Granville P. Jones
Box 8762
P. Z. Jones
414½ E. Capitol St.
John T. Kabbes
c/o M. O. Carter Co.
Century Bldg.
Box 1775
Henry M. Kendall
Box 330
James T. Kendall
Asst. Atty-Gen.
New Capitol
Thomas I. Kent
Box 515
Frank C. Kimbrell
State Ins. Dept.
Box 79
Robt. W. King
425½ E. Capitol St.
Lee Gibbs Kirk
Box 607
John M. Kuykendall, Jr.
Dep. Gty. Bank Bldg.

Boyd Ernest Kynard
514 Robinhood Drive
Bonner R. Landman
Dep. Gty. Bank Bldg.
Box 661
Ralph Landrum
214-15 Barnet-Madden Bldg.
Dean Laurence
416 Plaza Bldg.
Dan M. Lee
1411 Dep. Gty. Bank Bldg.
Myer A. Lewis, Jr.
1011-14 Dep. Gty. Bank Bldg.
H. Lee Lindsey
3960 Nassau St.
Hubert Lipscomb
Lamar Bldg.
Samuel Thames Lloyd
618 Rio St.
W. Baldwyn Lloyd
758 Launcelot Drive
Carl F. Loerke
228 Sewanee Dr.
L. H. Long
Veterans Administration
Warren V. Ludlam, Jr.
Plaza Bldg.
Box 427
G. Garland Lyell
Plaza Bldg.
Box 568
G. Garland Lyell, Jr.
Plaza Bldg.
Box 568
Louis J. Lyell
Box 568
Otho Magee
1942 Wingfield Circle
John P. Maloney
Box 330
Lee Mansell
U. S. F. & G. Co.
Plaza Bldg.
Luther Manship
242½ E. Capitol
G. L. Martin
222 Duncan St.
Roland D. Marble
Lamar Bldg.
Box 158
James M. Maxwell, Jr.
Box 1699
Walter D. May
Dep. Gty. Bk. Bldg.
B. B. McClendon
912 Dep. Gty. Bk. Bldg.
B. B. McClendon, Jr.
912 Dep. Gty. Bank Bldg.
Geo. T. McClintock
414½ E. Capitol St.
A. B. McCraw
1922 Belvedere Drive

Dan McCullen
Box 141
Ewell J. McDonald
402-03 Barnett-Madden Bldg.
Box 1835
Harvey McGehee
Chief Justice Supreme Court
New Capitol
M. M. McGowan
Circuit Judge
Alexander McKeigney
Asst. Atty.-Gen.
New Capitol
C. W. McKewen
3135 West Capitol St.
Dale H. McKibben
1st Fed. Svgs. & Loan Bldg.
Gerald M. McMillan
Box 3277
West Jackson 7
Clois E. McMullan
Apt. 33 E
Raymond Gardens
Geo. K. McMullan
Fed. Building
Box 747
Robt. Rex McRaney
State Game and Fish Commission
George D. Meek
619 Mohawk Ave.
L. F. Milling
525 Choctaw Road
Claude W. Milstead
U. S. V. A.
C. M. Mitchell
119 E. Pearl St.
Milton H. Mitchell
Box 330
E. W. Montgomery, II
Box 724
M. B. Montgomery
414½ E. Capitol St.
Edward D. Moore
729 Woodbury Road
Russel D. Moore, III
1016 Plaza Bldg.
Box 995
Dan M. Morse
602 Plaza Bldg.
W. E. Morse
602 Plaza Bldg.
Ray V. Moseley
c/o Sou. Farm Bureau
Barnett-Madden Bldg.
W. M. Mounger
Dep. Gty. Bank Bldg.
Adrian E. Mulien
2237 First Ave.
Thomas Earl Mullen
Box 2026

Carl D. Mullican, Jr.
c/o Miss. P. & L. Co.
Electric Bldg.
Arthur Gage Murphey, Jr.
Box 1172
Geo. S. Neal, Jr.
510 E. Pearl St.
James H. Neal
Box 1847
William H. Neely
Box 78
William T. Neely
Box 17
A. M. Nelson
321-22 Electric Bldg.
Alice Nevels, Secretary
Miss. State Bar
Box 1032
Hugo Newcomb
U. S. Marshal's Office
W. R. Newman, Jr.
Standard Life Bldg.
Robert G. Nichols, Jr.
209 Lamar Life Bldg.
Charles R. Nix
1134 Lewis
George R. Nobles
Standard Life Bldg.
Shirley Jean Norwood
814 Plaza Bldg.
Clinch G. Norsworthy, III
Dep. Gty. Bank Bldg.
Junior O'Mara
Dep. Gty. Bank Bldg.
Box 141
Seaborn E. Ormond
178 Santa Clair
N. W. Overstreet, Jr.
Dep. Gty. Bank Bldg.
Harry D. Owen
1604 Standard Life Bldg.
H. S. Owens
Standard Oil Co.
Box 221
Joe T. Patterson
Asst. Atty.-Gen.
New Capitol
John Lamar Penny
313 Wacaster St.
Robert E. Perry
Box 961
M. J. Peterson
1043 Poplar Blvd.
Box 4535
Logan B. Phillips
Lamar Bldg.
W. W. Pierce
Century Bldg.
M. A. Pilgrim
341 Segura Ave.
Lee V. Prisock
417½ E. Capitol
Box 481
Robert Prisock
957 Fortification

Leon Provine
110½ West Capitol St.
Ralph David Pruett, Jr.
Bldg. 2, Apt. C
Raymond Gardens
Robert L. Purser
787 Belhaven St.
John M. Putnam
Plaza Bldg.
L. A. Pyle
Chancellor
Dixon Pyles
507½ E. Pearl St.
L. Percy Quinn
Suite 5
100½ West Capitol St.
Bob Ray
Lamar Life Bldg.
W. C. Reed, Jr.
100 E. Pearl Bldg.
John Sivley Rhodes
1st Fed. Svgs. & Loan Bldg.
Otho Dan Rhodes
317 McAdoo St.
Barron C. Ricketts
306 Dep. Gty. Bk. Bldg.
Box 1224
C. R. Ridgway, Jr.
233½ E. Capitol St.
Box 472
William B. Ridgway
Box 472
W. E. Robbins
196 Kolb St.
Box 1831
W. G. Roberds
Asso. Justice Supreme Court
New Capitol
Stokes V. Robertson
503 E. Amite St.
Box 1947
Stokes V. Robertson, Jr.
503 E. Amite St.
Box 1947
Sidney A. Robinson, Jr.
Box 920
Shelby R. Rogers
Plaza Bldg.
Howard C. Ross, Jr.
Box 124
201 Century Bldg.
Abe A. Rotwein
501 Barnett-Madden Bldg
Roderick S. Russ, Jr.
3726 Crane Blvd.
David L. Sadler
219 Broadmoor Drive
John C. Satterfield
Plaza Bldg.
Box 1172
Clarence R. Scales
1304 Dep. Gty. Bank Bldg.
Jewelle Scales
202½ W. Capitol St.
Leo J. Scanlon
154 Galvez St.
Charlie Scott
1st Fed. Svgs. & Loan Bldg.
Box 1818
E. G. Scott
1st Fed. Svgs. & Loan Bldg.
Box 1818
Tom B. Scott, Jr.
Box 1818
Walter A. Scott, Jr.
1325 North State St.
Will P. Searcy
512 George St.
Clanton M. Seay
Box 1136
Dugas Shands
Legal Dept., State Tax Commission
Woolfolk State Office Bldg.
George E. Shaw
Century Bldg.
Dan H. Shell
Plaza Bldg.
Box 1172
Ernest L. Shelton
Plaza Bldg.
L. Leon Shelton
242½ E. Capitol St.
Walter L. Shows
Box 850
J. E. Skinner
1406 Dep. Gty. Bank Bldg.
Wm. H. Slaymaker
417½ E. Capitol St.
Alvin L. Smith, Jr.
715 Plaza Bldg.
Howard Neal Smith
1026 Riverview Drive
John T. Smith
1504 Devine St.
Kennon R. Smith
212 N. Congress St.
L. O. Smith
514 Millsaps Bldg.
Stone M. Smith
Standard Life Bldg.
Box 1729
Sydney A. Smith
1007 Dep. Gty. Bk. Bldg.
Box 157
Charles B. Snow
Dep. Gty. Bank Bldg.
Box 141
Lee R. Spence
4179 Plaza
James L. Spencer
Box 427
R. L. Stainton
1103-04 Dep. Gty. Bank Bldg.
R. Horace Steele
3811 N. State St.
Box 940
E. W. Stennett
242½ E. Capitol St.
J. C. Stennett
242½ E. Capitol St.
Francis B. Stevens
623 Plaza Bldg.
Phineas Stevens
623 Plaza Bldg.
David A. Stewart, Jr.
Box 4460
Wm. A. Stewart, Jr.
Century Bldg.
Colin Leroy Stockdale
306-07 First Fed. Svgs. & Loan Bldg.
James M. Stockton
108 Elcrest Ave.
John E. Stone
4212 Brookdale
R. B. Stovall
603½ E. Fortification
Harvey L. Strayhan
4451 Fondren Sta.
V. J. Stricker, Jr.
First Fed. Savings & Loan Bldg.
L. A. Stricklin, Jr.
Box 960
A. C. Stringer
c/o Knox Bottling Co.
Box 900
H. C. Stringer
226 S. State St.
Quentin Stringer
328 Audubon Place
W. E. Suddath, Jr.
Plaza Bldg.
C. A. Sullivan
201 N. Lamar St.
Box 1381
John C. Sullivan
306-07 First Fed. Svgs. & Loan Bldg.
A. F. Summer
151½ E. Capitol St.
J. H. Sumrall, Chief Atty.
Tax Commission
Valentine Surgis
320 N. West St.
Thomas M. Tann
Box 1505
O. B. Taylor
Box 896
O. B. Taylor, Jr.
Box 896
Rowan Hurt Taylor
Box 896
Swep S. Taylor, Jr.
Box 912

Sidney Robert Tharp
127 E. Church St.
D. J. Thibodeaux
231 S. Sunset Terrace
Earl T. Thomas
Lamar Life Bldg.
Box 158
Allen C. Thompson
City Hall
Fulton Thompson
118 N. Congress St.
J. W. Thompson
Box 2002
R. B. Thompson
Box 1156
Robert H. Thompson
118 N. Congress St.
Bernard L. Tighe
416 Plaza Bldg.
E. B. Todd
247 E. Pascagoula St.
J. A. Townes
401 Buena Vista Blvd.
Cecil F. Travis
1016 Plaza Bldg.
Box 995
John A. Travis, Jr.
Box 995
Edward L. Trenholm
1007 Dep. Gty. Bk. Bldg.
Howard B. Trimble
104 Club Court
Betty Bartee Tucker
507½ E. Pearl St.
Robert W. Upchurch
2623 Clinton Avenue
B. D. Wade
210½ W. Capitol
James M. Walker
605-07 Plaza Bldg.
Knox W. Walker
105½ W. Capitol St.
William L. Waller
423 Plaza Bldg.
O. B. Walton, Jr.
3918 N. State St.
Box 942
F. A. Ward
238 Texas Ave.
H. V. Watkins, Jr.
814 Plaza Bldg.
Box 427
Thomas H. Watkins
Plaza Bldg.
W. H. Watkins
Plaza Bldg.
J. Raiford Watson
Box 2472
Calvin L. Wells
Lamar Bldg.
Box 158
Erskine W. Wells
Lamar Life Bldg.
Box 158
Robert H. Wells
513½ E. Capitol
W. Calvin Wells, Jr.
Lamar Life Bldg.
Box 158
W. Calvin Wells, III
Lamar Life Bldg.
Box 158
Will S. Wells
513½ E. Capitol
John M. Weston
Box 896
F. T. Williams
1117 Plaza Bldg.
Box 1172
Gladstone E. Williams
412 Barnett-Madden
Bldg.
Barbara A. Williamson
451 Roland St.
Edmund A. Wilson
608 Millsaps Bldg.
James M. Wilson
Box 2524
205 E. Rankin St.
Joseph V. Wilson, Jr.
2200 Belvedere Drive
Sherwood W. Wise
1007-10 Dep. Gty. Bank
Bldg.
Box 157
Edward L. Womack
816 McDowell Road
George F. Woodliff
Dep. Gty. Bank Bldg.
Box 2123
O. J. Woodrow
Box 2323
West Jackson
Fielding L. Wright
702 Dep. Gty. Bk. Bldg.
Fielding L. Wright, Jr.
Dep. Gty. Bank Bldg.
L. A. Wyatt
Millsaps Bldg.
Jack H. Young
115½ N. Farish
J. Will Young, Jr.
Dep. Gty. Bank Bldg.
Box 2061
Frank M. Youngblood
520 N. President St.

## KOSCIUSKO

Joe Frank Allen
John Frank Allen
John Percy Allen
William Dixon Brooks
Box 827
Aaron Storer Condon
300 N. Huntington
David E. Crawley, Jr.
Crawley Bldg.
James T. Crawley, Jr.
Box 827
Icey W. Day
William Reynolds Ford
Crawley Bldg.
D. H. Glass
J. D. Guyton
Box 590
John Davis Guyton
Box 590
Chatwin M. Jackson, Jr.
Box 189
John Clark Love
Alton Massey
C. E. Morgan
Merchants & Farmers
Bank
126 W. Washington St.
Clarence E. Morgan, Jr.
Box 828
G. J. Thornton
Singleton B. Watkins, Jr.
Box 487
Harold W. Williams
517 Lucas St.
Claude Jackson Woodward
Doty Bldg.

## LAMBERT

Walter E. Dreaden, Jr.
Hoke Stone
Van D. Stone

## LAUREL

George W. Allen
523 Arco Lane
Edward Ross Alley
Box 106
Luther Austin
2215 3rd Ave.
W. A. Beard, Jr.
First Nat.onal Bk. Bldg.
E. C. Bonney
Masonite Corp.
Box 967
M. W. Boyd
Box 111
William S. Boyd, Jr.
Box 554
Ronald C. Brown
Box 496
James R. Buchanan
First Nat'l Bk. Bldg.
Box 230
Lampkin Butts
Box 817
J. Edwin Campbell
534 Front St.
Ralph P. Campbell
Box 638
B. F. Carter
Norman Bldg.
Lunsford Casey
County Judge
E. K. Collins
Norman Bldg.
Box 496

F. B. Collins
Circuit Judge
Jeff Collins
Norman Bldg.
Edwin Phillips Connolly
Box 527
Frederick G. Cox, Jr.
1208 6th Ave.
Jack Deavours
Box 106
Grover Doggette
Manhattan Bldg.
Herbert H. Dyke
Masonite Corp.
Albert E. Easterling
Box 12
Albert E. Easterling, Jr.
Box 12
E. Terrell Easterling
Box 12
C. C. Evans
Oak St.
Carroll Gartin
Lieutenant-Governor
Denton Gibbes, Jr.
Box 675
Stewart J. Gilchrist
409 First Nat'l Bk. Bldg.
Ernest W. Graves
7 O'Ferrall Bldg.
David Gross
Woolworth Bldg.
Box 765
James D. Hester
Embrey Bldg., Box 364
Henry Hilbun, Jr.
Commercial Nat'l Bk. Bldg.
Box 106
Harry E. Koch
First Nat'l Bank Bldg.
Jack McDill
First Nat'l Bank Bldg.
Harold Waits Melvin
Embrey Bldg.
Leonard B. Melvin
Box 1061
Leonard B. Melvin, Jr.
Box 1061
Harry A. Mitman
c/o Masonite Corp.
Goode Montgomery, Jr.
First Nat'l Bank Bldg.
Box 230
H. C. Moynihan
519½ Central Ave.
Roy P. Noble
Chancellor
Wm. Harold Odom
Box 354
Larry A. Pacific
Kalmia Bldg.
Samuel V. Pack
First Nat'l Bank Bldg.
Robert Boyd Pickens, Jr.
Box 271
Kalford C. Ratcliff
203 First Nat'l Bk. Bldg.
Quitman Ross
First Nat'l Bk. Bldg.
A. S. Scott
First Nat'l Bk. Bldg.
Pershing B. Sullivan
Box 1105
Paul G. Swartzfager
416½ N. Magnolia
Philip M. Swartzfager
Box 121
Raymond C. Swartzfager
416½ N. Magnolia
C. H. Walker
Box 638
Guy M. Walker, II
Embrey Bldg.
Milton B. Weems
Commercial Nat'l Bank Bldg.
Box 106
David C. Welch
First Nat'l Bank Bldg.
W. S. Welch
First Nat'l Bank Bldg.

## LEAKESVILLE

J. W. Backstrom
Ben H. Walley

## LELAND

Eugene Gerald
Box 147
D. Hilton Waits
William B. Waits
Taylor Webb
Box 414
Lt. David J. Whitaker, Jr.
305 East 3rd St.

## LEXINGTON

Pat M. Barrett
Joseph E. Berman
H. H. Johnson
P. P. Lindholm
G. H. McMorrough
D. T. Ruff
H. Edwin White
David Williams

## LIBERTY

T. F. Badon
C. T. Gordon
Joe D. Gordon
Kenneth L. Gordon
Box 115
M. H. Poole
F. W. Stratton

## LONG BEACH

R. Capel Beckett
236 West Beach
Pete H. Carrubba

## LOUISVILLE

Reuben W. Boydstun. Jr.
Box 560
Charles D. Fair
Hoy Hathorn
Edward M. Livingston
Neal Prisock
Frank L. Reich
Box 412
Henry L. Rodgers
Circuit Judge
Burris Olen Smith
Box 328
Harold G. Stringer
W. A. Strong. Jr.
Box 328

## LUCEDALE

H. M. Hunter
Route 1
Maurice L. Malone
Box 228
Darwin M. Maples
J. O. Moss
William S. Murphy
Hugh G. Rowland
Box 547
Milton M. Walker
Box 103

## LUMBERTON

John A. Yeager

## MACON

E. H. Britton
Ernest Luther Brown
W. B. Lucas
L. L. Martin
John Alton Phillips
J. P. Stennis
Box 167
Andrew W. Sullivan, Jr.

## MAGEE

T. M. Bishop
General Delivery
L. R. Floyd
Billy C. Little
Willis T. Matthews
A. W. McRaney
R. C. Russell

## MAGNOLIA

Oliver W. Phillips
Billy Dan Statham
Simmons Bldg.
James A. Wiltshire

## MARKS

E. C. Black
Ben M. Caldwell
W. A. Cox

P. L. Denton
Jesse Winston Eavenson
Ney M. Gore, Jr.
T. N. Gore
Lomax Lamb, Jr.
Eugene Thompson

## McCOMB

Louis Alford
Box 8
Milton Farris Anton
101½ and 104 Main St.
J. J. Cassidy
109 N. Broadway
Paul V. Dixon
Box 201
John B. Ewing
Box 599
Norman B. Gillis, Jr.
119 Gillis Bldg.
F. D. Hewitt
Chancellor
W. F. Jackson
Bert H. Jones
Brent Bldg.
Wm. Vaught Lenoir, Jr.
Brent Bldg.
Box 663
L. S. McClaren
Box 201
W. G. McLain
Box 940
Martin R. McLendon
Morgan & Lindsey Bldg.
Box 1061
Joe N. Pigott
Box 940
R. B. Reeves
Box 1097
R. B. Reeves, Jr.
Woolworth Building
Box 1097
J. Gordon Roach
Brent Bldg.
Hansford L. Simmons
Laverne Varnado
Box 1055

## McLAIN

Curtis Van Breland

## MEADVILLE

C. F. Cowart
L. L. Forman
Homer B. Griffing
Box 411
Charles Herring
Box 265
W. Wilson Hewitt
Dan R. McGehee
H. B. Mayes McGehee
James A. Torrey
Circuit Judge
Sanferd T. Torrey

## MENDENHALL

Noel W. Buckley
A. K. Edwards
Box 66
George B. Grubbs
Box 217
I. C. Harrington
James Burbon Sykes
Joseph W. Walker
Connie S. Whitfield
Box 438

## MERIDIAN

James Paul Abston
114 Shields Bldg.
Box 1592
Gerald Adams
919 Threefoot Bldg.
Harold M. Bailey
Box 1967
Thomas D. Bourdeaux
304 Citz. Natl. Bank Bldg.
Box 845
Albert S. Bozeman
304 Lamar Bldg.
A. S. Bozeman. Jr.
304 Lamar Bldg.
Frank J. Buchanan
Threefoot Bldg.
Sam O. Buckley
210 Shields Bldg.
James A. Burns
2513 5th St.
Paul M. Busby
Ben F. Cameron
1205 Threefoot Bldg.
Charles B. Cameron
Suite 407
Citizens Nat'l Bk. Bldg.
Overton Winston Cameron
Box 566
Edwin K. Clayton
Box 1787
W. L. Clayton
Ross A. Collins
602 Citizens Bank Bldg.
William B. Compton
2501 28th Avenue
Martin D. Cook
U. S. F. & G. Co.
820 Threefoot Bldg.
R. D. Cooper
Lyle V. Corey
310 Lamar Bldg.
Albert A. Covington
1620 26th Avenue
J. A. Covington. Jr.
Threefoot Bldg.
Box 786
Robert H. Crook
Box 289
Robert B. Deen, Jr.
Box 888
Anse Dees
Box 711
C. L. Denton
Box 804
B. A. Duncan
Edwin A. Dunn
Threefoot Bldg.
J. Thomas Dunn
Threefoot Bldg.
Walter W. Eppes, Jr.
2015 12th St.
George M. Ethridge, Jr.
305-07 Lamar Bldg.
J. C. Floyd
Threefoot Bldg.
Box 888
Cecil E. Gantt
Box 449
J. Ray Gipson
Box 442
V. W. Gilbert
407 Cit. Nat'l. Bank Bldg.
R. G. Gillespie
300 Rosenbaum Bldg.
Champ C. Gipson
Box 804
J. V. Gipson
Box 804
Benton R. Gordon
2503 28th Ave.
Jesse H. Graham
Circuit Judge
S. M. Graham
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